times, students from all parts of the world used to be attracted by this State for studies. But now the students of this State have been forced to go to other States. Three of the Central Universities of the country are located in Delhi itself and two in Uttar Pradesh. There is no I.T.I. for engineering education in Bihar. Due to all this, Bihar is turning backward not only in terms of percentage of literacy but also in terms of standard of education.

Patna University of Bihar is one of the oldest universities in the country which has become famous for its standard of education It has had the honour of imparting education to great intellectuals. Therefore, I would like to request the Central Government to convert Patna University into a Central University for the progress of education in Bihar.

(vii) Need to include Santhal Pargana, North and South Chhota Nagpur area in centrally sponsored Well Construction Scheme, Bihar

SHRI SURAJ MANDAL (Godda): Mr. Deputy Speaker, Sir, a well construction scheme has been launched with the central grant in hill areas of Bihar. This scheme has proved very effective and beneficial to the public.

Therefore, I would like to request the Government to extend the scheme to Jharkhand area (Santhal Pargana and North and South Chhota Nagpur area) so that this area could make progress.

(viii) Need to abolish lease-hold system for properties in Chandigarh

[*English*]

SHRI PAWAN KUMAR BANSAL (Chandigarh): About the need to abolish Leasehold system in Chandigarh, the question of conversion of Leasehold to Free-hold for certain categories of property in Chandigarh was all along tagged to that of Delhi. Now, while a decision to this effect has been finally taken for Delhi, the people of Chandigarh have been deprived of this benefit. This has been a long standing demand of the people and merits favourable consideration. Besides providing a relief to the owners, the conversion of leasehold into free-hold will also earn sufficient revenue for the Government. It will also help reduce the avoidable bureaucratic hassels to the people and reform one wing of the administration.

In these circumstances I urge upon the Government to take immediate action to abolish the lease system in Chandigarh also.

14.25 hrs.

STATUTORY RESOLUTION RE DISAPPROVAL THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT AND VALIDATION) ORDINANCE, 1992

AND

DESTRUCTIVE INSECTS AND PESTS (AMENDMENT AND VALIDATION) BILL

(*English*)

MR. DEPUTY SPEAKER: Now, we take up item numbers 8 and 9 together. Shri Girdhari Lal Bhargava.

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, the ordinance introduced by the hon. Minister of Agriculture. ...(*Interruptions*) ..

SHRI GEORGE FERNANDES: Mr Deputy Speaker, Sir, I am on a point of order. It would have been better had Shri Jakhar himself been present here and we would have heard his views on this very important Bill. But my point of order on the Statutory Resolution of the Bill that has been brought

[Sh. George Fernandes]

forward by the Government. There is a sentence in its statement of objects and reasons.

[*English*]

> "Under the new Seed Policy, the import of seeds and plant materials was brought under Open General Licence resulting in heavy import thereof."

[*Translation*]

We have not been able to make any thing out of this sentence. When will you enforce this New Seed Policy? When did you cover all these under Open General Licence? Please let us know whether it was a part of your gazette notification dated 27th October, 1989 or there was a separate seed policy? Unless it is made clear, what should we discuss there?

[*English*]

When did you bring this New Seed Policy into action? Was it a part of your Gazette Notification of 27 October, 1989?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (Shri Mullapally Ramachandran): I will give it in my reply to the debate.

SHRI GEORGE FERNANDES: We cannot have a discussion unless we know what this New Seed Policy is about.

SHRI P. C. THOMAS (Muvattupuzha) What is the scopr of or discussion at this stage when the Resolution is being moved?

MR. DEPUTY SPEAKER: Let us hear their views.

[*Translation*]

SHRI MOHAN SINGH (Deoria): Mr Deputy Speaker, Sir, a question was raised in this House on Dunkel's proposal. At that time, the Government had replied that before forming any opinion about Dunkel's proposal, the Government would like to have it discussed first in this august House and then discussed all the country over. After discussion, in the House and all over the country, the Government would give its views regarding the above proposal on the basis of the final consensus arrived at from the discussion. But i regret to say here that this seed import is a part of Dunkel's proposal. When it is a part and parcel of the Dunkel's proposal and the Government is to make statement in this regard after discussion in the House, what was the need of issuing an ordinance on it. It otherwise means that this Government has surreptiously given its assent to the Dunkel's proposal and laws are being enacted one after the other to suit the proposal. Mr. Deputy Speaker, Sir, I am also on a point of order to know as to what is the justification of introducing the Bill when a discussion the subject is about to be taken up by the Government in the House.

[*English*]

SHRI P. C. THOMAS: This is a state for consideration of the Bill after introduction.

SHRI MULLAPALLY RAMCHANDRAN: Sir, I do not know whether these objection sould be raised now when the Bill has been introduced by the hon. Minister for Agriculture, the other day.

SHRI GORGE FERNANDES: Sir, I am sorry, neither the hon. Minister nor thehon. Member from the Congress side who has intervened have tried to understand what I am trying to drive at.

[*Translation]*

Mr. Deputy Speaker, Sir it has been categorically stand in the statement of Objection and Reasons of the Bill as to why this Bill is being introduced. This Bill has been introduced to replace the Ordinance Promulgated on 25 January.On 27th October 1989 a Gazette Notification was issued about import of seeds , its inspection, fumigation, disinfection and supervision. I would speak on it when I speak on the Bill I will clarify at that time what were your intentions. At the moment I arise here. On a point of order to clarify a legal point.

[*English*]

Under the new seed policy, the import of seeds and plant materials was brought under open general licence resulting in heavy import thereof.

[*Translation*]

When was this introduced?

[*English*]

You have introduced a sentence here which neither connects with the notification of October, 1989 nor with the President's Ordinance. What is this? This sentence is a foreign body in the aims and objects of this Bill. I want a clarification from the Minister before discussing it.

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): Mr. Deputy Speaker, Sir, a senior hon. Member of the opposition raised objections.** I think the Senior Minister should be called to the House. (*Interruptions*)

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker, Sir, the way hon. Member distinguished between the senior and junior Minister is highly objectionable. I think it should be expunged. ...(*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER: They are all responsible Ministers. You should not distinguish. It is unfair to say like that. We have expunged it.

SHRI SRIBALLAV PANIGRAHI: The hon. Member, Shri George Fernandes has raised a point of order. But there is no point of order absolutely. Under which rule he has raised this point of order? Which rule has been violated? This Bill has already been properly introduced and also a statement has been made by the Minister while introducing this Bill. At that point of time, there was no objection raised. Now it is for consideration of the Bill. Whatever points are being raised by the hon. Members that would be dealt with after participation by the Members. Hon. Members are at liberty to raise all those points while participating. This is at the consideration stage. Members are now required to participate in the debate and while doing so any point can be raised and the hon. Minister while replying to the debate, of course, should deal with those points.

Naturally, there is no question of point of order at this stage. No. rule has been violated.

SHRI GEORGE FERNANDES: I want to reply to the hon. Member's query. I have raised the point of order under rule 376 (2).

> "A point of order may be raised in relation to the business before the house at the moment;"

At the moment, we are discussing this.

SHRI SRIBALLAV PANIGRAHI: At the moment, what has been violated? You explain that. Why are you creating obstruction at this stage? What rule has been violated? (*Interruptions*)

MR. DEPUTY SPEAKER: I will give an opportunity to every Member to express his view. You will have a chance.

SHRI SAIFUDDIN CHOUDHURY (Katwa): I fully support the hon. Member, Mr. George Fernandes for what he has said. May-be earlier it could not be detected. Even

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**Expunged as ordered by the Chair.

[Sh. Saifuddin Choudhury]

at the late stage, if it has been detected, this House cannot commit anything wrong. We cannot discuss a subject or Bill on the basis of a presumption that something will come. What is the new seed policy which necessitated this kind of Bill to be brought forward? There has to be a new seed policy that has to be discussed in the House. Then only the question of this kind of Bill arises, otherwise not. We cannot commit a wrong thing.

SHRI SHOBANADREESWARA RAO VADDE (Vijayawada): I would like to supplement. The new Seed import policy was brought on 1st October, 1988 during the Eighth Lok Sabha Period. (*Interruptions*)

SHRI SAIFUDDIN CHOUDHURY (Katwa): This is not a new policy (*Interruptions*)

MR. DEPUTY SPEAKER: I will allow everybody.

[*Translation*]

DR. LAXMINARAYAN PNDEYA (Mandsaur): When was the Seed policy announced Would the hon Minister kindly clarify.

(*English*)

SHRI SRIBALLAV PANIGRAHI: A careful reading of the Statement of Objects and Reasons makes it very clear that this piece of legislation is intended to legalise fees which had been already collected. Already levy is collected and two High Courts, Bombay and Calcutta held it illegal. There is a seed policy prevalent under which large quantity of seed was imported. Some levies were collected and that was declared illegal and void by the High Court. This Bill is for this purpose. Why are they saying that there is no policy?

SHRI GEORGE FERNANDES: I will read two sentences from the Statement of Objection and Reasons:

> "Under the new seed policy, the import of seeds and plant materials was brought under open general licence resulting in heavy import thereof. The Government had therefore, to strengthen the infrastructural facilities and services of Plant Quarantine Organisations in order to prevent entry of exotic diseases through such imported consignments."

[*Translation*]

IF the Government saying something new. We are not discussing what happened in 1988. WE don't know what happened in 1988. The Government issued order on 27th October 1989. And under this order you have done whatever could be done. Some suits were filled in the court. We know all this and we accept it. But these two sentences:

[*English*]

These are very ominous sentences I want the hon. Minister to tell us very categorically waht is this new seed policy.

SHRI SUDHIR SAWANT (Rajapur): An Ordnance was promulgated and this Bill seeks to replace that Ordinance. That is all. The moot point is, what is the purpose of this Act. The purpose of this Act is to prevent the import and transport of any insect, fungus or other pests which can be destructive of crops. That is the purpose. For that, there is a mechanism for the Plant Quarantine Organisation. The Plant Quarantine Organisation requires certain funds. It cannot be run on the tax-payer's cost. That is why, in the national interest, whatever may be imported, that has to be checked. For that purpose, this Bill is being moved and we have it for the sake of consideration and passing.

I do not think that it is appropriate because this new seed policy of import of seeds and plants, as brought under the Open General Licence, in no way is concerned with this objective of this Bill. It is only as an explanatory note that it has been given.

I feel that Members should consider this in the light of the requirement of having legalising the fees and not go into this matter of new seed policy under general licence, because it has already been moved

[*Translation*]

SHRI KAMLA MISHRA MADHUKAR (Motihari) The point which Shri George Fernandes raised is valid We don't know about the New Seed Policy of the Government It appears that the Government wants to introduce Dunkel s proposals Dunkel s proposals have been criticised in the House and all over the country as well The Member sexpressed their concern in the House that through Dunke s Proposals they want to implement the policy of imperialism in the country which is not in the interest of the country

[*English*]

Whether it is old policy or new policy (*Interruptions*)

SHRI BASU DEB ACHARIA (Bankura) Sir this is a very import matter (*Interruptions*)

MR DEPUTY SPEAKER Let us hear him Let us know it because they say there is a point

SHRI RAMESH CHENNITHALA (Kottayam) They are repeating the same point

MR DEPUTY SPEAKER Shri Ramesh Chennithala this is a democratic set up We would give an opportunity to everyone to express his views

(*Interruptions*)

SHRI BASU DEB ACHARIA We are told that the Seed policy was announced long back, in the year 1988 This policy was never discussed on the floor of the House

SHRI SAIFUDDIN CHOUDHURY It never came before the House

SHRI BASU DEB ACHARIA It never came before the House for discussion We are not aware of such a policy which the Government of India adopted long back When this policy was adopted long back itself, why was this necessity not felt at that time? Why did they not feel the difficulty which the Government had to face So my point is that first that policy should be discussed and then if at all it is necessary to enact a legislation then a legislation should be enacted This is my point

[*Translation*]

SHRI DAU DAYAL JOSHI Mr Deputy Speaker Sir for strange reasons the Ordinance had to be issued and now this Bill is being introduced Heavens would not have bellew had the Ordinance not been issued The session of Lok Sabha was likely to commence and what were the reasons of promulgating this ordinance in such a hurry Please clarify these things Secondly Pepsi food has discussed many times in this House What will be the shape of things in the future? If seeds of tomato will be sold at Rs 35000 per kilogram The Government is inviting foreign companies in the country in the name of developing new techniques I would like the hon Minister to clarify all these points before introducing the Bill

(*English*)

SHRI RAM KAPSE (Thane) Sir a point of order was raised by Shri George Fernandes While discussing that point of order my learned friend said that the Bill has already been introduced and at the time of discussion he may raise the point and the Minister should reply I see that the procedure should be otherwise If there is any mistake in the Objects part of the Bill then in that case the Minister should first explain and then only we should discuss the whole matter The point of order can be raised at any time I seek your indulgence Please let us know from your side whether you would like the Minister to reply just now or afterwards I feel that he should reply immediately and then only we should discuss it

SHRI NITISH KUMAR* (Barh) Mr Deputy Speaker, Sir, the point of order raised by Shri George Fernandes is quite proper and it should be decided at this very stage Why this Bill is brought? There is the so called New Seed Policy of Government It is clear from the statement of object and reasons of the Bill that the imported seed will bring various diseases with it The foreign seeds are not suitable to the climatic condition of the country It will not acclimatize with the condition here The hon Member has told that the New Seed Policy was announced in 1988 This is the reason that it was not implemented Today you want it to be impaemented under the pressure of Dunkel You want it to be implemented in the name of New Seed Policy under the pressure of the Director General Dunkel The New Seed Policy should be clear to which seed they want to bring, whether that is suitable to the agro climatic condition of India or not, all these things should be given clearly and it should be done at this very stage otherwise this Bill be of no use It is not proper to give open liberty to the multinationals to come here for trade without having discussion on the New Seed Policy An indication to it has been given in the Budget also According to this indication the seeds will bring various types of diseases here These will destroy our traditional seeds which are suitable to our land and climate and slowly and slowly or our nculture will be ruined This is the con spiracy of America that to bring India s self reliance in agriculture to an end as India is becoming self-reliant Let it come to us with a begging bowl as it did under P L -480 This is your New Seed Policy First of all, you bring the New Seed Policy so that we can ascertain what would be its impact on the farmers and agriculture here, only then there will be any justification of this policy

[*English*]

SHRIMATI MALINI BHATTACHARAYA (Jadavpur) I just want to say one thing and that is that, it is only in the recent Budget of 1992-93 it has been said that import of seeds, plants, flowers etc , is going to be liberalised This had not been there in the earlier Budget which shows that this is something new This is obviously the new policy that is being referred to here and this is somethings which has not been discussed Without this Bill being discussed, I think, the hon Member Shri George Fernandes is quite right that this cannot be taken up (*Interruptions*)

SHRI MULLAPPALLY RAMACHANDRAN Sir, hon Shri George Fernandes has raised a point of order I do not think that there is any point at all because he was referring to the New Seed Policy which was announced by the Government of India on 1 10 1988 That is the policy which he is referring to Under this Bill, the import of seeds plants was brought under OGL With this as expected, there was heavy import of seeds and plant material In order to prevent introduction of exotic pests and diseases in the country due to such heavy import the Government had to strengthen the infrastructural facilities and services of plant quarantine plant organisation by way of procurement of highly sophisticated and costly equipment The Ceneral Government in exercise of the powers conferred by Sub section 1 of Section 3 of the Destructive Insects and Pests Act of 1914 (2 of 1914) issued the Plants, Fertilizers and Seeds Regulation and Import Order 1989 vide notification dated 27th October 1989 Under such order, levy of fee or issue of import permits and also charging of inspection and gumigation fees etc , were provided (*Interruptions*)

SHRI SYED SHAHABUDDIN (Kishanganj) We are not discussing the Bill We would like the hon Minister simply to tell us the terms of reference of that New Seed Policy (*Interruptions*)

SHRI MULLAPPALLY RAMACHANDRAN This Policy was announced in the House on 1 10 1988 (*Interruptions*)

SHRI GEORGE FERNANDES I dispute the Minister I have here with the Gazette Notification And in between what the Minister is sying and me the Gazette Notification, there is contradiction This is a Gazette Notification of the Ministry of Agriculture, Department of Agriculture and Co-operation, New Delhi dated 27th October, 1989 What does it say? It says

> "SOS 67 (E) In exercise of the power conferred by Sub-section 1 of Section 3 of the Destructive Insects and Pests Act 1914 (2 of 1914) in supersession of plants, Fruits and Seeds Regulation of Import into India Order 1984 except as respective things done or omitted to be done before that supersession, the Central Government hereby make following orders for the purpose of prohibiting and regulating import into India of agricultural articles mentioned herein "

Where is 1988 order? You are misleading the House Your officials are making you to mislead the House How can you do this? (*Interruptions*) You should do your home work You should ask your officials to help you to do your home work You cannot come and mislead the House (*Interruptions*) I urge upon you to put off the discussion on this Bill (*Interruptions*)

SHRI MULLAPPALLY RAMACHANDRAN I am not misleading the House The Government of India announced the New Seed Policy on 1 10 1988 I never wanted to mislead the House (*Interruptions*)

SHRI SUDHIR SAWANT (Rajapur) This Bill seeks to do only one particular thing and that is to permit this (*Interruptions*)

SHRI RAMESH CHENNITHALA (Kottayam) In 1988, the Seed Policy was announced in the House by the Government They are misleading the House (*Interruptions*)

MR DEPUTY-SPEAKER What is your point? Do you say that there was no Seed Policy announced on the floor of the House?

(*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum) The problem arises because it is written in this fashion Initially there was an ordinance And because there was certain court verdict, in order to legalise the collection of fees, this Bill is being introduced and it is proposed to get it passed What has been said here in the Aims and Objects of this Bill is, under the New Seed Policy, the import of seeds and plant material was brought under Open General Licence resulting in heavy import thereof This is the problem

On the point of whether or not there were heavy imports, the Government felt that it was entitled to collect fees But the court struck that down Therefore, the curt s striking it down is being attempted to be avoided through this legislation The mistake is that, as he has later put it very correctly, the Minister perhaps as part of the Government is not keen on the home work about the Bill That is why the problem has arisen (*Interruptions*) Even if that sentence were not there, it would have been all right I think, in the rush to serve the foreign masters, they have introduced this Bill (*Interruptions*)

SHRI SRIBALLAV PANIGRAHI What is this "foreign masters'? Yesterday the Prime Minister made it absolutely clear (*Interruptions*) They cannot be allowed to speak like this What is this? Who are our masters? People are our masters (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE I am not harping on any Minister or on any Member I have no intention of that (*Interruptions*)

MR DEPUTY SPEAKER What is this? that gitates everybody so much? Should we not hear the opinions of others Law is there They say that there was no such law passed But on this side they say that law was passed

(*Interruptions*)

SHRI BASU DEB ACHARIA (Bankura) Never such a law was passed (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: In the present Bodget, there are certain concessions in terms of customs duty. Let us distinguish between the two things. One item can be under Open General Licence, that is, no licence is required. But that does not mean that there will be no duty on that. This year, Budget has given special consideration to the import of these things to facilitate imports - under whose pressure, we know. Let me not mention that. (*Interruptions*)

SHRI PAWAN KUMAR BANSAL (Chandigarh): What pressure is he talking about? (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): But there is no new seed policy in that sense excepting that in terms of import, it has been put under OGL. (*Interruptions*) Please let me conclude. After that, you have a right to say (*Interruptions*)

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, I want to raise a point of order. (*Interruptions*)

SHRI A. CHARLES (Trivandrum): Sir, you should always take the sense of the House. We should also be given time. (*Interruptions*)

SHRI RAM NAIK (Bombay North): Sir, I want to raise a point of order. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: Please allow me to correct his sense of timings and arithmetics. He does not know what is meant by timing. (*Interruptions*)

SHRI A. CHARLES: I also know (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE: Therefore, the problem is that an irrelevant sentence has entered into the Aims and Object. I think peace can be restored, if you withdraw that particular sentence. It is entirely unrelated to the Aims and Object and for passing the Bill. (*Interruptions*)

MR. DEPUTY SPEAKER: I am allowing now Shri Ram Naik and then Shri Sobhanadreeswara Rao. But Shri Sobhanadreeswara Rao, you had a chance already to contribute something to this subject. Now, I have called Shri Ram Naik.

(*Interruptions*)

SHRI A. CHARLES: Sir, how many people will speak on this subject? You know about the business of the House.

MR. DEPUTY SPEAKER: Kindly sit down.

SHRI RAM NAIK: Let me also put up my point. Sir, a legal point is arising now. Shri Balram Jakhar, is the Minister In-Charge. Now, his Deputy is here. But the convention of the House was that there should be at least one Cabinet Minister, who should be present in the House. At present, there is no Cabinet Minister in the House. Secondly, whenever a law point arises, on what is to be done, I will now read from Shri Kaul & Shakdhar's Book. It was mentioned at page 844 and the Speaker had observed that:

> "When the House is sitting, the Law Minister or one of his Deputies should be available to give opinion on legal matters which might arise during any discussion."

Now, the Law Minister is also not here. (*Interruptions*)

SHRI A. CHARLES: What legal matter is there in this? If that is accepted, then the Law Minister will have to be present in the House all through the day. (*Interruptions*)

SHRI RAM NAIK: Shouting will not help you and you cannot decide the point. It has to be decided by the Deputy Speaker. (*Interruptions*)

MR. DEPUTY SPEAKER: Kindly resume your seats.

SHRI SRIBALLAV PANIPRAHI: Sir,

there is absolutely no point (*Interruptions*)

SHRI RAM NAIK You cannot decide the point

SHRI A CHARLES Have you given the notice on this legal matter? (*Interruptions*)

SHRI RAM NAIK Please allow me to complete This book was written by Mr Kaul & Shakdhar (*Interruptions*)

MR DEPUTY SPEAKER Shri Charles, is it fair on the part of a person who is bestowed with a high voice to supress the views being expressed by any other hon Member of this House?

SHRI A CHARLES Then, I should also be heard

MR DEPUTY SPEAKER Who says that you will not be heard? As an hon Member, we should have that grace to hear them, know their opinion and if they are wrong, when you get a chance to rebut it, you can do so in a polite way so that the man who said something wrong can definitely correct himself Suppose, we do not give the opportunity for an individual to express his opinion and if he has made to shut down, is it fair? This is a House of elders

(*Interruptions*)

SHRI GEORGE FERNANDES Sir you have to conduct a special class for Shri Charles (*Interruptions*)

MR DEPUTY SPEAKER I have got respect to Shri Charles and I have got respect to everybody So, let us know the opinion of others

(*Interruptions*)

SHIR A CHARLES Sir all the time, they are trying to hijack the House

SHRI RAM NAIK I was on the point of Minister in-charge It is said, the Minister in-charge should be present in the House Let us see what Kaul and Shakdhar said about it in Page 844

> "The Speaker has made observations from time to time that Ministers in-charge should be present when business relating to their Ministries and departments directly or indirectly before the House "

He is not the Minister in-charge He is the Minister of State The Minister in charge is Shri Balram Jakhar Obviously the Minister of State is not aware as to how that one sentence has been added He is not in a position to explain So the best course would be to call the Minister in-charge get his explanation and then we can proceed Kindly see that the Minister in charge comes here he explains and the matter can go ahead That is very easy and that should be done That is my point of order

[*Translation*]

SHRI DAU DAYAL JOSHI I request you to call the Law Minister and the Agriculture Minister I request you to call both of them so that there can be a discussion on the Bill

[*English*]

SHRI A CHARLES May I know under what rule he is making a distinction between a Minister of State and a Cabinet Minister? Here we have the Minister of State who is fully in-charge, holding the portfolio He is capable and he has the authority to speak on behalf of the Government

Coming to this, it is very clear we are concerned only with the notification of the 27th October 1989 All the other things are supplementaries Legally there is no bar for discussion of this Bill

About the ruling in Kaul and Shakdhar there should be a notice on a point of law, then only the Law Minister takes note of that and comes to the House Simply there is a

[Sh. A. Charles]

ruling like that does not mean that the Law Minister should be always present in the House. That is not the intention.

MR. DEPUTY SPEAKER: Shri V.S. Rao. Let us stick to the relevant point.

SHRI SOBHANADREESWARA RAO VADDE: That is what I am coming to Sir. I very well remember, on 1st October 1988 the Government of the day had come forward with a new seed policy. That was a policy statement. At the same time the agriculture scientists all over the country had expressed their apprehensions about the possible impact and adverse effects of the new policy. They wanted to strengthen the plant quarantine and other procedure so that our crops do not get damaged in future because of some deadly disease. I think the notification of 27th October following the policy might have been brought in. After implementation of that one, when the Courts have struck down certain provisions in that, I think the Government has come forward with this ordinance. And to replace the ordinance the present Bill has been brought forward.

SHRI P.M. SAYEED (Lakshadweep): Shri Rao has very amply placed before you the exact position. This Bill was moved and it is at the consideration stage. If at all, there is constitutionally and legally any impropriety, that ought to have been brought before, the House at that time. It is improper on our part to heckle the junior Minister just because the Cabinet Minister is not here.

My esteemed friend Shri Ram Naik has read out something from Kaul and Shakdher's book and said that the Minister–in–charge does not include the Minister of State. What does it mean ? I do not understand that. Therefore, you must in your wisdom rule out all these objections and direct that the Bill may be taken up for consideration. (*Interruptions*)

MR. DEPUTY SPEAKER: Your turn is over. Others are also anxious to say something about this. Let us hear them.

(*Interruptions*)

SHRI SRIBALLAV PANIGRAHI: Sir, one point of order was raised and it was discussed here. All those Members who wanted to make some observations, give some opinions were given chances. Before it could be disposed of, another point of order was raised by Shri Ram Naik as to whether the Minister is competent and who was the Minister–in–charge, etc. So much of confusion is there in the House. This is what I want to bring to your kind notice. Moreover, this is not the time to raise it. Initially, we have emphatically stated that this is not the time for all these objections to be raised. Now, we will straightway discuss this. (*interruptions*) This is at the consideration stage. If at all they want to say something, it should pertain to the debate; they can come forward with their suggestions, with their objections, which will be dealt with and replied to by the Minister, during the course of his reply. That is the position. Let us not further waste the time of the House on this.

SHRI PAWAN KUMAR BANSAL: With due deference to the hon. Members and particularly to Shri Ram Naik, I would like to refer to Rule 2 (1) of Rules of Procedure & Conduct of Business in Lok Sabha, where in it is stated that:

"Member in charge of the Bill means the Member who has introduced the Bill and any Minister in the case of a Government Bill". (*Interruptions*)

SHRI RAM NAIK: I have said about the Cabinet Minister being present in the House.(*Interruptions*)

SHRI PAWAN KUMAR BANSAL: If they are not satisfied with that, I would read the definition of the Minister.

MR. DEPUTY SPEAKER: Not necessary, everybody has read that out

(*Interruptions*)

SHRI PAWAN KUMAR BANSAL It says

> 'Minister means a member of the Council of Ministers, a Minister of State, a Deputy Minister or a Parliamentary Secretary "

So, Sir, that is not the point which should have been raised With utmost respect, I would say, it may mean a little repetition of what has been said But it is for the sake of adding emphasis to it that I want to say this We started the discussion on the Bill and the Statutory Resolution It is not just a Bill It is also a Statutory Resolution disapproving an Ordinance which was moved by an hon Member from the other side, the BJP side He got up to introduce it If at all they wanted to say anything, it should have been told before this matter is taken up But at that time, not a single word was referred to it I would say that this is not really fair, it would not be setting up a right precedent Even if you were to invoke any rule – whether it is rule 109 or any other rule for that matter – it would not be setting up a right precedent if we disrupt the discussion in this way and take up other matters (*Interruptions*)

SHRI A CHARLES Sir I think the observation about the Minister has to be withdrawn, under normal procedure (*Interruptions*)

SHRIMATI BASAVA RAJESWARI (Bellary) Sir, to say that the Minister–in–charge is not eligible to introduce the Bill is not correct He has got every right to introduce the Bill It is for the discussion of the House At this stage, after the introduction, it is not advisable to say that it should be taken back and some other Minister should come It is not correct

Another thing is this The Principal Act of 1914 has subsequently been replaced by way of an Ordinance of 29th October 1989 This Ordinance is very much necessary in view of the court orders Therefore, this was very much necessary This Bill was brought forward by way of an ordinance It is only the replacement of the ordinance which we are discussing Moreover the introduction is over I do not think they have objected it at the time of introduction At the time of introduction, there was no objection (*Interruptions*) Many Members have spoken It is for you give the ruling I hope you would certainly give the ruling not to have further discussion on this subject

[*Translation*]

SHRI NITISH KUMAR When the point of order raised by Shri George was going on the raising of point of order by Shri Ram Naik in between is out of order He has said that the Minister of State is competent to pilot this Bill We have no objection to it We have nothing to say on it But what is to be added to the question of Shri George which has been responded is that the future Government had come to know about the so–called New Seed Policy of 1988 of this Bill (*Interruptions*) that is why this Bill has been brought

[*English*]

MR DEPUTY SPEAKER I give the ruling Any lacuna in the statement of objects and reasons must be pointed out at the time of introduction of the Bill A point raised in this regard at the consideration stage of the Bill is not valid

Number two, Shri Ram Naik has raised an objection that the Minister has no authority to introduce the Bill There is an authorised letter by Shri Balram Jakhar to Shri Ramachandran to introduce the Bill Even otherwise, the Minister is at liberty to introduce the Bill and we cannot discriminate

SHRI SYED SHAHABUDDIN We still do not know what the contents of the 1st October, 1988 policy are (*Interruptions*)

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA I beg to move the following resolution –

> "That this House disapproves of the Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992 (Ordinance No 4 of 1992) promulgated by the President on 25th January 1992 "

Mr Deputy Speaker, Sir, this Bill is being introduced by Shri Ramachandran

SHRI P M SAYEED (Lakshadweep) He is not introducing it but moving it for consideration

[*English*]

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI MULLAPPALLY RAMACHANDRAN) Sir, a statement has already been made by the senior Minister So, there is no point in saying that I must make another statement like that

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA There is no consideration stage at present My resolution is to disapprove of the Ordinance promulgated by the hon President Had Balramji been here, there would not have been any opposition since he has both Ram and Bal with him His name is also Ram and I am a devotee of Ram so I am not going to oppose it since I have come here by the grace of Ram

I would like to submit two things here I to support the hon Minister I would like to submit that through the Destructive Insects and Pests (Amendment and Validation) Bill, 1992 and through this Ordinance you are going to give the right to the Central Government to impose duty on the inspection of the imported saplings and seeds of flowers but this right was already existing You have stated "any fee" How much fee would it be there, one rupee, two rupees or hundred rupees, this has not been stated in the Ordinance You are giving this right through the ordinance and the other thing is that the duty which you had already imposed has been validated Why was it done? It was done because the Calcutta High Court had decided not to impose this duty and the Bombay High Court had held that the duty which has been charged should be refunded The High Court had held that the duty already charged should be refunded His Exellency the Hon President should have promulgated the Ordinance during an emergency period But when the session was going on you could have brought forward a Bill This is my first objection

Secondly, I would like to submit that though the objects of the Bill are sound but I have an objection to the Ordinance which was not needed at all because it has no regard for the judiciary If the judiciary does something and the hon President promulgates and Ordinance, then there would be a situation of confrontation between the judiciary and the executive High Court gives a different verdict Bombay High Court s decision is different Will the Government not refund it and continue it instead

Secondly, I would like to submit that all the multinational companies which manufacture pesticides, are exporting all these chemical pesticides to India since there is a ban on the use of these pesticides in those countries When these pesticides are sprayed profusely on the crops, they are damaged The annual consumption of these pesticides has increased by eight percent in the country In the year 1986 it was to the tune of sixty thousand tones In the next year it increased by five thousand tonnes In this way more than one lakh tonnes of these pesticides have been imported during the last four years Due to the use of these pesticides the intake of consumption of these dangerous products has increased in humans through milch–animals like cows and Buffalose Since people are dying of cancer in western countries, there is a ban on the use of these products there? There is a ban on D D T there but when pesticides are sprayed in our country, the people even don't wear gloves or masks for protection. Similarly, 50 to 75 persons in Tamil Nadu develop tuberculosis every year.

In India there are about four hundred factories manufacturing these pesticides and twenty five thousand workers are working in these factories. They do not have either gloves or masks. I would like to submit that Government should take some action or the other in this direction. This Act is in force since 1971. My colleague M.P.s were advancing arguments and I was listening to them since they were guiding me. I did not want to interrupt them. Even then I have gathered their good points. The Government wants to make comprehensive amendments to the Act of 1971. A study conducted by the World Health Organisation reveals that D.D.T. is being used in India in larger quantities for agro-products. The Government will have to ban it.

Mr. Deputy Speaker, Sir, the pesticides which are being exported by foreign countries to this country should carry a certificate to the effect that these pesticides are already banned in their respective countries. They should also issue a no-objection certificate for the pesticides being imported here. People should be properly trained to use these pesticides.

Lastly, I would like to submit that the Government has not clarified whether it intends to refund the duty already charged or intends to continue it. It has also not stated as to how much duty will be charged. The Government has introduced a Bill further to amend the Destructive Insects and Pests Act, 1914.

Under the new policy the Government wants to import seeds and saplings under open general licence. It wants to levy a fee to cover the expenditure. I would like to submit that two High Courts have delivered their judgements in this case. One holds that fee cannot be levied while the other holds that the fee already charged should be refunded. But the Government wants to regularise the fee through Ordinance. The Ordinance is being promulgated to create confrontation between the executive and the judiciary. Had it been done through Bill, it would have been different thing. Therefore, I oppose the Ordinance promulgated by His Exellency the President and I would like to reassert it that what the Calcutta High Court and the Bombay High Court have held regarding non-levy of fee and refund of charged fee is right. Therefore I would like to submit that the Ordinance promulgated by the President be revoked.

MR. DEPUTY SPEAKER: Motion moved:-

"That this House disapproves of the Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992 (Ordinance No. 4 of 1992) promulgated by President on the 25th January, 1992."

[*English*]

The Minister may now move the motion for consideration of the Bill.

SHRI MULLAPPALLY RAMACHANDRAN: On behalf of Shri Balram Jakhar, I beg to move:

> "That the Bill further to amend the Destructive Insects and Pests Act, 1914, be taken into consideration."

MR. DEPUTY SPEAKER: Motion moved:

> "That the Bill further to amend the Destructive Insects and Pests Act, 1914, be taken into consideration."
>
> Now, amendments to the Consideration Motion.

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): I beg to move:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by June 1, 1992." (1)

SHRI GIRDHARI LAL BHARGAVA (Jaipur) I beg to move

> "That the Bill be circulated for the purpose of eliciting opinion thereon by June 15, 1992" (2)

PROF RASA SINGH RAWAT (Ajmer) I beg to move

"That the Bill be circulated for the purpose of eliciting opinion thereon by June 30, 1992" (4)

[*English*]

SHRI RAMESH CHENNITHALA (Kottayam) Sir, this Bill is to replace the Ordinance on Destructive Insects and Pests, promulgated by the President of India on 25th January, 1992 The original Act is to prevent introduction into India and transport from one province to another, of any insect, fungus or other pests which may be destructive to crops The Government of India has empowered the Central Government through Section 3 of the Act to prohibit or regulate, subject to such restrictions and conditions as it may impose, the import of or any part thereof or any special place therein of any article or class of articles likely to cause infection to any crop In exercise of this power, the Central Government, by Notification dated 27th October, 1989, made an order for matters relating to inspection, fumigation disinfection and supervision of some articles such as plants, fruits and seeds which were imported into India Fees were also provided to be levied and collected for the aforesaid purposes Under the New Seed Policy the import of seeds and plant materials was brought under Open General Licence resulting in heavy import thereof The Government had, therefore, to strengthen the infrastructural facilities and services of Plant Quarantine organisations in order to prevent the entry of *exotic* diseases through such imported consignments

Sir this fees was levied because of the want of funds This organisation cannot function without adequate finance This organisation is there to help the farmers so, I think it is the duty of the Government to safeguard the interest of the farmers

The Calcutta High Court in a writ petition held that the aforesaid Act did not empower the Government to levy any fees for inspection frumigation etc The Bombay High Court also in a case struck down the imposition of fees and directed the refund of money

So, the Government is convinced that it is necessary to levy and collect fees for the services rendered and for meeting expenditure on maintaining Plant Quarantine organisations It was also necessary to *validate* the levy and collection of fees made earlier In the circumstances, suitable provisions in the aforesaid Act empowering the Central Government to levy fees for inspection, fumigation etc on imported consignments and for validation of the fees already levied or collected were, therefoere required to be made

So, an ordinance was promulgated by the President of India and now the Minister is here with a Bill to replace that ordinance When we are discussing this Bill, there are certain points which we have to take care of

We are all aware of the farmers' condition Almost all the cash crops, especially in the State of Kerala are affected by some or the other disease Farmers are facing a lot of difficulty because of this Though a lot of research work has been done in this regard but the outcome is nill Just to give an example, the pepper cultivators are facing a lot of difficulty as the entire pepper crop is affected by a disease called Quick Wilt Kerala is the largest pepper producing State In spite of the fact that a lot of research has been done in this field, it has not proved any result A section of the farmers doubt that this disease has come to the State of Kerala by the import of certain plants I am citing this solely as an example The Government should take ample care while importing the plants and seeds If we do not take ample precautions, this type of diseases will spread and it will ultimately harm the prospects of cultivation

Regarding coconut cultivation, I would like to say something The coconut plants affected by a particular disease For the last so many years, the coconut cultivators are suffering The yield is very low and farmers nave to cut down their trees The coconut cultivators are to be protected

Recently, the Government has included coconut in the category of oilseeds but no action has been taken for developing it till now So, my request to the hon Agriculture Minister who is well aware of the problems of cash crops as well as the farmers of Kerala to take adequate care of the coconut cultivators also

Sir, I do not want to take much time This Bill is meant for maintaining the plant organisations and the Government has to spend a lot of money for purchasing sophisticated instruments for checking these plants and also for strengthening these organisations, so that the plants, plantations as well as the farmers can be protected

[*Translation*]

SHRI GEORGE FERNNADES (Muzaffarpur) Mr Deputy Speaker, Sir, we are discussing here amendment to a law which was passed in 1914 by the Britishers When the Britishers enacted this law, they said that there were two objects behind it — the first was the if the seeds or other things imported into our country were infected, how to check and prevent it from spreading The second avowed purpose was to contain the spread of diseases in British India through inter–state trade and movement of seeds or other articles Today, when this legislative proposal has been brought here, I, through a point of order raised the point of first spelling out the new seed policy

According to the honourable Minister and other Congress Members, the new seed policy implies bulk import of seeds into the country. Not only seeds but other material will have also to be imported While presenting the budget, the Finance Minister proposed to fully exempt from import duty imported seeds thus making it clear that bulk imports of seeds would be resorted to Therefore, I am very much vexed by this legislation because as I see it, this law is going to open floodgates for import of three categories of items into this country As per our new seeds policy, we would be importing seeds from foreign countries But while passing this law, as a very special measure, you are admitting that alongwith foreign seed, you will be bringing into country foreign diseases also The matter does not end there because when the infected seed will be brought into India, you will have to go abroad to find its cure Even in our country, diseases of seeds exist We import insecticides and pesticides in large quantities from foreign countries to spray our fields

With the introduction of the new policy in respect of seeds, it became necessary to bring forward the present legislation, as you have said –

[*English*]

"Under the New Seed Policy, the import of seeds and plant materials was brought under Open General Licence resulting in heavy import thereof The Government had, therefore, to strengthen the infrastructural facilities and services of Plant Quarantine organisations in order to prevent the entry of exot c diseases through such imported consignments "

[*Translation*]

You are admitting that it will bring disease etc We have to prevent it It is but natural, moreover it is ou. duty In order to prevent disease we have to import medicines from foreign countries It is also clear that we shall have to import new pesticides for the new diseases It means that there is some policy behind it also You have rightly said that the problem won't be solved by bringing this minor legislation, there will be so much of inconvenience, moreover there are some such provisions added to this legislation which will lead our agriculture to heavy losses It should be discussed in the

[Sh George Fernandes]

House today and moreover it should be discussed thoroughly without any concern about restriction of time In this connection I would like to say a few words Dunkel is being talked about in the House daily, whenever the question of seed is discussed, Dunkel also is being discussed We cannot separate the issue of seeds from Dunkel or seeds and GATT I have got the documents written by the former Director of UNCTAD, Dr Surrendra Patel He has prepared this document when there was a dispute over the New Economic Policy I would like to read out two sentences from it The book is entitled *"Dunkel's Draft Text – Threat to Economic Sovereignty*" In this book Dr Surendra Patel Says

> "Now patent provisions, the seeds, plants and all the innovations and inventions by genetic revolution, will be brought under the umbrella of intellectual property rights so that it is not only support system after the crop has been produced, but also the means with which new crops can be produced revolutionary discoveries are made"

15.37 hrs.

[SHRI P M SAYEED *in the Chair*]

Dr Surendra Patel further says

> "When you get the seeds, when you get the new plants, when you get the biogenetic engineers, when you make new innovations, it is there where control would be established so that if the seeds are not renewed every year, we would have a major agricultural crisis which is inherent in the present policy pursued"

[*Translation*]

I want that all of us should understand its meaning, the House should understand it, especially the hon Minister should understand that according to the new policy being adopted today, seeds would be imported from foreign countries, and according to which the U S A is telling you to give up Dunket etc It is presented in the morning and given up in the evening The real conflict is with America and it is not the right time to discuss America We may perhaps discuss it at the proper time, but the real dispute is with this nation, which does not hide it that we will have our say and supremacy in the World Russia was having some power of encounter, now its strength has already been weakened In fact it has been divided into several fragments, and we shall have our say now Where will the Government lead the nation with this new seed policy? We have a law made by the Englishmen in 1914 and we have assembled here to make an amendment in it The Englishman wanted that we should protect our agriculture, our crops, our herbs, wheat and rice, our seeds from diseases But the Government is going even ahead of it It is deciding that all these things should be imported alongwith the diseases they have But the matter does not end there There is something more The Government shall have to take decisions on all proposals of GATT sooner or later, and if the import of seeds from foreign countries goes on like that a situation is sure to arise in which we will be slaves of America in a way within a five years Hon Minister, Sir, this is your gazette Yesterday, the Prime Minister said that we won't allow any harm to the dignity of this country When there is difference between your words and deeds why should we accept it Nothing will come out of your new policy Seeds will come out of your new policy Seeds are being imported in bulk from foreign countries and these seeds include wheat etc This is the notification issued by you, which you have brought into this House You might be having some policy in 1988, which I don't know Your notification runs thus

[*English*]

"(i) All seeds of Allium, (ii) Cocoa and all seeds of Stercultiaceae & Bombucacae, (iii)

All seeds of citrus, lemon, lime, orange and grapefruits, (iv) Coconut seeds and all seeds of cocos, (v) Coffee plants and seeds and all seeds of coffee (vi) Cotton seeds and all seeds of Gosypium, (vii) Seeds of forest trees, (viii) Groundnut seeds and all seeds of Araches, (iv) Bucrene and all seeds of Medicago, (x) Potato and all seeds of Solanum, (xi) Rubber and all seeds of Hevea, (xii) Sugarcane and all seeds of Saccharum, (xiii) Tobacco and all seeds of Nicotiana, (xiv) Berceam and all seeds of Tribolium, (xv) Sunflower and all seeds of Heliantus, (xvi) Wheat and all seeds of Triticum, — for sowing and planting and also for consumption, do not forget it — (xvii) Paddy of all seeds and Oryzae, (xviii) Cuttings, saplings and bud-woods of flowers or ornamental plants, (xix) Seeds and the plant material of fruits, — and then Barley, Shellac, etc , etc "

[*Translation*]

This way none of your points is left in your gazette I was reading out Annexure Schedule–II, in which you have decided to import everything You may use it for 5 years You may import pesticides and preserve their species of seeds Dunkel, GATT and America will continue for five years and after the passage of this time period America will dictate that the entire seeds will have to be purchased from America This way import of seeds would be encouraged Since our seeds will face extinction and what dôes their own proposals and all intellectuals says What are their intellectual proposals like TRIPS and TRIMS saying? What are these about? There is only the message that whatever they have given us cannot be produced here in our country The seeds which we have purchased from them are only for use in fields, but it cannot be used for seed multiplication or production of seeds The Government is not taking any steps for the production of those seeds That is the whole thing It is very easy to deliver speeches, but your approach, each and every decision of yours is trying to wipe it off if not subjecting the universality of the country to torments It is destroying to the extent that it would be different for our agriculturist to procure seeds, moreover the rates would be fixed by America

America will fix the prices of seeds used in India and it will also decide the quality of seeds to be used in our country Then a time will come, you will have to agree with me when America will force on India its views and policies America will decide what type of relations we should have with our neighbouring countries America will also try to influence our stand in dealing with the problems we are facing today On non acceptance of American stand supply of seeds to India may also be stopped If America takes such a stand then both the farmers and the country will be in deep trouble because the indigenous variety of seeds has already become extinct in the country If all this actually happens then sovereignty of India will be jeopardised

Therefore, firstly, my objections are not against the legislation under consideration but against the objectives of the legislation and the manner in which it has been introduced I would like to make my views clear on the objectives of the legislation I would like to warn the people of the country about the impending danger and the direction in which the nation is being guided by the present Government

Secondly, I would not like to speak in detail but try to be brief (*Interruptions*)

MR CHAIRMAN Shri George Fernandes please hurry up as 12–13 other hon Members are also waiting for their turn

(*Interruptions*)

SHRI GEORGE FERNANDES Mr Chairman, Sir, there can be no other issue more perturbing than this Agriculture is getting ruined (*Interruptions*) This matter is not a matter of debate between the treasury benches and the opposition, and on such an important issue all of us must take a united stand Secondly, I would like to submit that injustice is being meted out to the farmers and the scientists of our country As per

[Sh George Fernandes]

Government statistics in 1984–85 our farmers produced 48,46,000 quintals of seed and in 1990–91 seed production of polyester fibres, potato, oilseeds and other things was 72,01,000 quintals It is a matter of price that independently without any foreign help foodgrains production increased from 5,10,00,000 tonnes in 1950–51 to 17 50 18 crore tonnes today in India We did not get any help from America or Dunkel or any other foreign nation, once we threw of the foreign yoke But the whole situation now is sought to be reversed by knocking at the doors of foreigners Seeds are sought to be imported and I am not putting my words into your mouth that seeds of Western countries are suffering from exotic diseases' and now the same are being imported without any reservation Mr Chairman, Sir, therefore I would like to submit that such an injustice should not be meted out to the farmers of our country

I will conclude my speech in a few words Please give me some more time My submission is with the passage of this legislation, in addition to seeds, pesticides will also be imported Regarding pesticides, I would like to know from the hon Minister whether India will be importing from America and pesticides which have been banned in most of the countries of the world I would like to name a pesticide on which a number of articles too have been written in India viz Chlordane and Heptachlor This pesticide is being manufactured by Wells Call Chemical Corporation of America and its use has been banned by 48 countries of the world Its use is banned in America and 48 other countries but I have with me Indian and Pakistani statistics In 1987 India imported these pesticides worth 1 17 136 pounds and Pakistan imported worth 1 13 014 pounds even though its use is banned in 48 countries This is not the only banned pesticide and there are others also like – Butachlor Haloxyfop, Nuarimol and Prothiophos

Agitation against the use of these pesticides is going on in America Green Peace Action' people are agitating all over the world against the use of pesticide which has been banned in America These people are agitating in the world for banning the use of these pesticides under the banner 'Pesticides circle of poison, export pesticides and create problems' In India 110–115 crore pounds of these pesticides are being applied every year and I would like to submit the number of persons that are dying because of the application of these pesticides They claim that because of the use of these pesticides every year 25 million workers are adversely affected by these According to Obstan report every year 4 000 persons are dying because of the application of these pesticides a fact being overlooked in India

Mr Chairman, Sir, Bhopal Gas tragedy took place and for four days the matter was debated upon in the House but a similar situation has developed again When were the pesticides first used poisonous gas was produced by German Naziz during the days of World War–II After armstice a question arose about the healthy use of this poisonous gas Then it was felt that was gas which can be used to kill human beings can also be put to use as pesticide with slight modifications Now this will be imported alongwith the seed in India making India bow before America and other industrialised nations of the world Mr Chairman, Sir I would like to humbly submit to the House to ponder over these aspects of the issue I am not raising the issue out of political consideration but as an issue of national importance for the well being of our country I am sure that the legislation will definitely be adopted by the House and I have got no reservations about it But whenever I get the opportunity again I will discuss the issues raised by me thread bare in the august House Right now I would like to just submit that the Government should seriously ponder over the issues raised by me The Government should reject the Dunkel s proposals and other connected issues and take everyone into confidence to safeguard the interests of the country

DR LAXMINARAYAN PANDEYA (Mandsaur) Mr Chairman, Sir, though the legislation appears to be too simple, but it has far reaching consequences, which have been debated upon in the House Earlier, when the legislation was to be discussed many hon Members raised different issues Under the new seed policy the Government felt the need to import insectides in large quantities and other equipments

My submission is that the seeds to be imported will carry many diseases with them All do agree that pesticides have been banned in foreign countries now a-days but here in our country they are still being used People are dying due to their ill effects This situation is prevailing in our country I think that it would not be a justice to the farmers if the use of these pesticides is allowed They will not be able to avoid the ill-effects The farmers with their strength and capability and the brilliant agricultural scientists with their researches have done a commendable job Our agricultural scientists have made revolutionary advances in the field of developing new varieties of seeds of wheat jwar groundnut etc They did really revolutionary work It is because of their efforts that we have succeeded in increasing two times to four times the production of food-grains

I am unable to understand that when we have intelligent agricultural scientists capable farmers and good system then why we have to depend on others and import pesticides from outside the country It is true that new economic measures have been taken and they may be the immediate cause of pressure on the Government to make such imports If we do not do so, we may find it difficult to act in accordance with the new economic measures My submission is that whatever may have been stated in the new economic measures, the large population of our country depends primarily on agriculture

Agriculture is the main occupation and the largest area of employment If the Government takes measures which prove harm ful to agriculture, then the Government will have to face severe difficulties in future This is evident from it

16.00 hrs.

My submission to you is that the Gov ernment had announced a new policy What was that? After that the doors were thrown open for importing pesticides at large scale under open General Licence Calcutta High Court and Bombay High Court made some observations in this regard with which I think, the Government is not ready to agree The Government wants those observations to be nullified Had the Government acted wisely and tried to remove the irrelevant things then there would have been neither any need to issue this ordinance nor the Government would have to give clarification and accept its mistakes I would like to submit that the action taken under the notification issued by Government on Oct 27 ,1989 is not in the interest of the country It would have adverse affect in future as Shri George Fernandes has already pointed out Various types of seeds have been included in it If Bursim' seeds are imported then I think the grass seeds will also have to be imported If we continue to adopt the same policy it will not only be a set back to our efforts to attain self reliance but also will be a setback to our sovereignty

Therefore I would like the Government to be completely cautions in this regard The steps taken by the Government should not have adverse affect on agriculture or on the fertile land of our country Otherwise, it has been observed that the use of pesticides and new seeds has been adversely affecting the crops Because renovation is not possible every year If we get about 10 15 quin tal of wheat per acre in the first crop but in the next we hardly get 7-8 quintals The reason is that the new variety of seeds give low yield Moreover, pesticides destroy the fertility of our land It is essential for the Government to take measures so that land does not lose its fertility At the same time, I would not like to say much in regard to this Bill I would just request that these actions should not ad versely affect the sovereignty self sufficiency and the economic policy of the Government nor there should be any adverse affect on the agricultural scientists and farmers With these words I conclude

[*English*]

16.02 hrs.

SHRI SRIBALLAB PANIGRAHI (Deogarh). Mr. Chairman, Sir, I rise to support this Bill i.e., the Destructive Insects and Pests (Amendment and Validation) Bill 1992 which in turn is a Bill further to amend the Destructive Insects and Pests Act 1914.

Sir, as was rightly stated by the honourable Opposition Member, George Fernandesji that this is an Act enacted during pre-Independence British days. Right from the British period we have this Act which is enforced in our country for restricted import of seeds, plants etc. and also for providing certain treatment of seeds etc. when imported. Sir under the provision of this Act, only recently i.e., in 1989 a Notification was brought forward by the Government about collection of certain levies etc. for inspection and treatment of all these things in the process of import. Sir, what I say here is that by now too much is being read into the provisions of this Bill. And this is an innocuous Bill it should have been already adopted and passed by now. But I must concede one quality to the Opposition, particularly to certain hon. Members (*Interruptions*). Why are you becominng impatient? When Shri George Fernandes was speaking, What I was doing? I was not interrupting. (*Interruptions*).

MR. CHAIRMAN: Each Member will be getting only five minutes. So, if you go on talking to them, you will lose your time. Please address the Chair.

(*Interruptions*)

SHRI SRUBALLAV PANIGRAHI: Sir, we have seen how a lot of precious time of this august House was wasted in the battle of points of order. But I concede one thing. They can make a mountain out of a mole and they have done that. Absolutely there was nothing, but too much was being raised. I must say that this New Seed Policy which came under fire by certain Members from the other side is dated 1st October, 1988 and the notification under reference is dated 27th October, 1989. If so many things under were bad with this New Seed Policy and this notification, what prevented George Fernandesji to stop this when he was a Member of the Cabinet?

SHRI GEORGE FERNANDES: Sir, the matter came up in the House today only.(*Interruptions*).

Shri Sriballav Panigrahi: Under the provisions of this notification dated 27th October, 1989, fees were collected. Now it is under orders of the High Court that it must be refunded unless that is legalised and that is how this Bill is before this House for our consideration. What was the hon. Member doing all along? (*Interruptions*). Sometimes, wisdom dawns upon them only when they sit in the Opposition benches. When it suits them, they conveniently forget all other things when they occupy the front benches on this side.

Sir, in the battle of points of order, merits have also gone into and there is no two opinion about it. Some hon. Members have their apprehension about large-scale import of seeds. I make it very clear that I do have my own reservations. Under compelling circumstances we should go for import. The entire world is gradually becoming one market. So, why should we hestitate to import? All efforts have to be there to meet our requirements indigenously. In spite of that, if there is some shortfall, should we bear with the shortfall or should we try to get from outside? Things are changing, technology is changing and high yielding varieties of seeds are there. All these things have been taken into consideration. If we have some good seeds somewhere else, should we not import? But, it has got to be properly checked and proper treatment should be there. For that, the expenditure that is incurred has to be borne by the concerned people. There should not be any apprehension about it.

SHRI ANIL BASU (Arambagh): The point is, you can import, but you cannot develop.

SHRI SRIBALLAV PANIGRAHI: My point is very clear I do not understand one thing.

Why do you give scope to a High Court or to any Court to strike down our policy decisions?

I would like to know from the hon Minister when he gives his reply whether this point was gone into by the Law Ministry or not and whether the Law Ministry were consulted or not and what was their opinion and by now what is the amount collected so far

I now come to the ill-effects of pesticides which are come in use everywhere in the World including India Pesticides obviously are an important tool in today's agriculture It is a plant protection agent for boosting production The demand for it is very high and it is more so after this high-yeilding variety of seed is discovered and the coverage of this pesticides etc , is on the increase now Its coverage is about one-fourth of the total cultivated land of our country DDT, BSC and Malathion account for more than 50 per cent of the total production and they are the cheapest and the most popular with small farmers. Despite growing use, the annual losses is a matter of concern The annual losses due to insects, pests and diseases have increased from about Rs 3,300 crores in 1976 to over Rs 6,000 crore at present This is, of course, including gram losses OUr annual budget deficit is around Rs 6,000 to Rs 7,000 crores It can be made up if this point is taken proper care of About Rs 6,000 crores is our loss on account of pest attack, disease and also the grain loss during storage and all these things

There is a fantastic rise in the consumption of pesticides in India from a mere 2,000 tonnes at the time of independence around 50s to 80,000 tonnes.

SHRI GEORGE FERNANDES: How much poison is going into it?

SHRI SRIBALLAV PANIGRAHI Its crop area , under plant protection coverage, has also increased to 8 million hectares A decade before, it was only 6 4 million hectares

Its indiscriminate use, apart from being an additional hazard in developing world of today, is posing a serious threat to human civilisation The entire human civilisation is passing through a slow poisoning process due to the ill-effects of pesticides and large scale use of pesticides It has its ill-effects everywhere, in the air and in water and its residue is also there in foodgrains and wheat The agricultural chemical leaves behind residue in food and water and produce ill-effects when the concentration exceeds tolerance levels This is a matter of grave concern

The International Development Research Centre of Ottawa has claimed that every year, there was a reference by Shri George Fernandes that it claims 4,000 lives - but my figure, according to a report, is 10,000 lives very that every year 10,000 people die and that another 40 lakh people also suffer from various effects of pesticides poisoning , in developing countries particularly Most of the victims are small farmers and labourers

Therefore, we have to go for cautions approach and there should be large Scale training programme on how it can be used safely

Again the alarming rise in the number of deaths from pesticides poisoning is attributed to the increasing number of toxic chemicals and their large scale use without proper testing of their toxic properties A number of chemicals like cholordane, Heptachlor etc are banned in the developed countries But in spite of that, the American Companies are dumping these behind items, pesticides on Third World Countries including India Facts are facts I do not oppose it for the sake of Opposition Therefore, I would request the Government of India to see that this should be used properly We want to use them for plant protection measures We have to use

[Sh. Sriballav Panigrahi]

these pesticides for that purpose only. But it has to be seen how the ill-effects will be minimised. As I said earlier, the testing etc. should be properly done and proper training should be there. Overdose use of pesticides on farm land has disrupted the ecological balance. Overdose of pesticides will not only wipe out pests but also their natural enemy.

I would like to point out another thing. Sir, it has been found that an average India's daily diet contains about 0.27 mg of DDT and the level of accumulated DDT in the body-tissue of an average India is the highest in the world varying between 12.8 and 31.0 pm.

Therefore, it is a matter of grave concern. Of course, As I said earlier, this is an innocuous Bill. There cannot be any objection for this Bill to be adopted in the House. At the same time when things are changing, we should cope with them. For our augmented production, for stepping up our pro duction etc. whenever good seeds are available, we can go in for them. Also, we have to import the pesticides to protect outside India, in the developed countries, should not be used. For Heaven's sake we should not go in for them. At the same time, due precaution should be taken and Government should do all that is possible on this count.

With these words, I conclude my speech.

DR. ASIM BALA (Nabadwip): Sir, the Destructive Insects and Pests Act, 1941 was enacted to prevent the import and transport of any insect, fungus or other pests which may be destructive to crops. Under the Seed Policy, the import of seeds and plant materials was brought under the Open General Licence scheme resulting in heavy import from other developed countries like the U.S.A. , West Germany, the U.K. etc.

Sir, it is a unique example how the open licensing policy will damage. The India's self-reliance in agriculture. As a result of the openess in licensing indiscriminate import of plant materials, seeds, etc and perhaps, being done , the Government has brought this Amendment to prevent the dreaded and exotic plant diseases. In this connection, I will not go through the Court case affair of Calcutta and Bombay High Courts. Government has brought forward this amendment with the intention of collecting some levy and fees to maintains the Plant Quarantine Offices only and not for the improvement of quality of pesticides and insecticides. But the indiscriminate use of pesticides will harm the ecological system. They destroyed not only pest or insects but also destroyed not only pest or insects but also destroyed important flora and fauna.

Pesticides pose a menacing threat to the poor in the third world countries because of their free availability, lack of adequate protection, importer storage, excessive and wasteful use leading to environmental pollution. Sometimes the residues are found in food which causes hazard to human population. The use of pesticides is increasing by about 100 grams per person especially in the third world countries.

The pesticides hazards are alarming especially for the third world countries. In 1972, the W.H.O. Expert Committee on Insecticides estimated about five lakh cases of accidents due to pesticidal poisoning annually in the third world. It might have increased manifold nowadays. Due to indiscriminate use of pesticides, there are damages done like the retinal damage, impaired memory, psychological disorders. These are the results caused due to mishandling of DDT.

There is one chemical, the Dieldrin Chemical which is described as the most patent Carcinogen, which is reportedly forty times more poisonous than DDT.

If you remember the tragedy of the Bhopal Chemical Plant Disaster of 1984, nearly 4000 persons were killed at that time and 30,000 people were incapacitated due to the inhalation of MIC gas. And the Multinational company has been allowed to go 'Scot-free'. They have given compensation only of the order of 470 million dollars to the people of India who are affected by this disaster DDT and BHC are officially banned in number of countries like USA, Germany and UK

But India is still using these two dreaded pesticides In India, there are reports of deaths caused due to pesticides In 1986-87 there were 137 deaths in Gujarat, Tamil Nadu and Punjab It would be far better for our country if we could develop some indigenous pesticides I have come across some newspaper report that Neem leaves are used as pesticides Our Scientists have developed that thing If we develop this indigenous product, it can be encouraged The Government should also take interest in this regard and use its good offices so that our country becomes self-sufficient

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) Mr Chairman Sir, I do not object to the provisions that have been put forward in this Amendment Bill but I would like to caution the Government to take several aspects into consideration and go very catuiously You are aware that even after four decades of planned development ,our agricultural production levels are quite low While we are able to produce nearly 175 million tonnes of foodgrains from around 140 million hectares, even from a lasser area our neighbour China is able to produce 360 million tonnes while the per capita availability of foodgrains is 300 Kgs per year in China, we are able to give only 200 Kgs per year This is mainly because of the low productivity And one of the inputs through which we can improve the productivity is high yielding seeds When we look from that angle, out of 41 million hectares in our country, only 30 million hectares of paddy fields are being cultivated with high yeilding seeds

Of course, more than 90 per cent of the wheat area is covered with high yeilding seeds But in respect of coarse grains like jowar bajra and maize, it is not more than 50 per cent, it is only around 45 per cent , and in respect of maize, the area that is covered with high yielding seeds is only 35 per cent And because of this, the yields are very less

You are aware that with regard to the pulses and oil seeds, we are not able to meet the requirement And in fact, the per capita availability of pulses is only half of what a person used to get nearly three decades back And even in respect of oil seeds, while the minimum nutritional level requires 12 Kgs per annum we are able to give only 6 Kgs , in our country So, in these circumstances , in respect of oil seeds and pulses there is some necessity to import high yieling seeds Though lot of efforts have been made by our scientists in our country in producing high yielding variety of seeds, but in this arena, the efforts were not sufficient and that is why the new seed policy when it was brought forward in the House, the Government made its intention that it is going to import them in very large quantities But in this respect, I would like to caution the Government that allowing very liberal imports , will cause harm to our national interests as well as the interets of the farmers also Only in such areas where we are in dire necessity, we have to import them For example Oil-seeds We are spending more than thousand crores of rupees for import of edible oils and oil seeds and also a few hundred crores of rupees on the import of pulses

But in other areas like rice or wheat and other crops we are having high yielding seeds BUt the main problem is that the area is not being covered with irrigation facilities That is one of the reasons because of which the yeilds are low

I would suggest to the Government not to depend on the impart of the seeds We have to evolve our seeds here And the Government must provide other necessary infrastructural facilities and then, definitely we are going to meet our requirements By the end of this country, our target is to produce 30 milion quintals of seeds But lot of steps have to be taken if we have to reach that target Right at the moment, apart from our National Seeds Corporation and the States Seeds Corporation, there are several

[Sh. Sobhanadreeswara Rao Vadde]

commercial organisations who are doing lot of business, in seeds.

There are several instances where substandared seeds are supplied to the farmers. The cotton growers and wheat growers and other farmers are put to loss because of these substandard seeds. The farmers are losing very heavily ; but the Government is doing nothing. Those organisations and commercial firms which have supplied the spurious or substandard seeds are not made to pay any compensation to the farmers who have lost money they have invested from their pockets. The Government must take care of this aspect also.

As regards the plant quarantine measures, definitely they must be strengthened. The Government must also allocate more funds to equip them with adequate staff to see that these plant quarantine procedures are not short-circuited. Because earlier there are some instances when some seeds were imported for a particular purpose; later they were found to be having very disastrous effect. So the Government should take all necessary precautions in respect of import of these seeds.

I would like to say a few words about insecticides and pesticides. Several of my friends have already spoken very elaboratory about this and I will not go into the detail. What I want to impress upon the Government is that though our consumption of the pestcides and insecticides is far less when compared to several other countries lke Korea where the per-hectare consumption is about 6 Kgs. whereas we are consuming only 295 gms; even then it is proved analytically that the residual effect on foodgrains because of the utilisation of pesticides and insecticides such as DDT which is very large in our country which is causing a lot of damage to the health of the people. On many occasions heavy and excess utilisation of these chemical pesticides are causing see page into the underground water because of which the health of the people is also put to very hazardons effects. So I demand that the Government should bring necessary amendments to the Insecticides Act 1968 also banning such of these pesticides and insecticides as are already banned in developed countries like USA but are being flown to our country because the multi-nationals want to earn money over these products which they already have patented and are manufacturing. They are very harmful to the common people of this country. So, I urge upon the Government to bring forward necessary amendments in the Insecticides Act also to see that the Government encourages production of such pesticides or insecticides as are not so detrimental to the interests of the people. They should encourages natural insecticides which are prepared from neem tree seeds etc which are already under development in several countries. The biological control of the pests is all the more important. The integrated pest management practices have to be taken in a big way and the extension work of the judicious application of these insecticides and pesticides will help a long way. The Government mu concentrate on that and take all necessa, steps in this direction.

SHRI SUDHIR SAWANT (Rajapur): Mr. Chairman Sir, I rise to support the amendment to the Act because there is nothing to oppose it. The Destructive Insects and Pests Act, 1914 was enacted mainly to prevent the import and transport of any insects, fungus or other pests which may be destructive to the crops, or anything that wil be destructive to the normal conditions in India.

Keeping the requirements of modern time in mind, we have evolved an organisation called the Plant/Quarantine Organisation. This amendment proposes to create the necessary funds and infrastructure to support this Organisation. Hence, it is laudable and there is nothing to oppose it.

But, I stand here for a specific purpose. I say that this Act in itself is totally inadequate. This Act does not meet the requirements of modern times. Many apprehensions have been voiced by various Members regarding the import of seeds, import of insecticides, etc I fully agree because some apprehensions are well-founded In the modern world, we cannot remain isolated We have to be inter-dependent Therefore, to some extent, import of seeds, insecticides, pesticides will have to be done But, that is the point of fear and that is the precise reason why we have to be careful because we are very well aware that there are forces which are out regularly to destablise this country What is the other method or other way better than the economic destabilisation?

In modern times, conventional war-fare or aggression is not possible But, the use of chemicals or chemical warfare is possible and so also the nuclear warfare But, there is another method-high incidence secret method-employed by various nations and that is the biological warfare This is where, we have to be careful because when nations launch warfare, it is not declared, but it is an undeclared war That is what precisely I want to speak about, today

The aspect of biological warfare has been traditionally neglected by this nation, this House has also traditionally neglected this because I have not found one incidence when there has been a discussion on biological warfare When we are talking of new seed policy and import of insecticides and pesticides, we have to concentrate on the biological warfare What is the method used to employ this warfare? There are biological weapons The UN Convention has said that the biological weapons cannot be confined in their effect on space or time and might have grave and irreversible consequences for man and nature The World Health Organisation in 1970 described the biological agents as those that depend for their effect on multiplication within the target organism and are intended for use in war to cause disease in man, animal and plant

In the modern times, with the advance in genetic engineering and other bio-genetic technologies, new kinds of biological weapons have been developed It is not that they are employed only in war, these weapons can be employed regularly to cause economic destabilisation of a country and that is what we have to take note of

Historically, the 1925 Geneva Protocol prevented the chemical and biological war fare The United Nations, after the Second War, called for the elimination of these weapons (*Interruptions*)

On 10th April, 1972, a convention on prohibition of development and production and stockpiling of biological and toxic weap ons and on the destruction was open for signature On the 26th March, 1975, the convention came into force

Now I have got a report of the Third Review that is 1992 of Biological Weapons Convention What does this say? This says

> "The convention has not defined the prohibited items nor the targets to which the prohibitions relate?"

The point I am bringing for discussion is that today anything can be employed in this pattern of warfare and there are no safe guards because the United States has re served its right for conduction of research in biological warfare for defensive purposes Though it has abrogated the use of biological weapons, though 112 signatories are there for this particular convention of 1972 by 1992, there were 112 signatories -there are no adequate safeguards The report says

> "Under the biological Warfare con vention , the prohibition on developing, producing, stock-piling or oherwise ac quiring or retaining biological agents and toxins is not absolue I applies only to the types and to quantities that have no justification for 'prophylactic', pro tective' or 'other peaceful purposes "

Now the point I wanted to drive home is that in spite of the convention, the countries, who are signatories to this convention, are free to employ biological weapons and these may be employed vigorously That is where

[Sh. Sudhir Sawant]

this Act comes into being. We have to design this Act. Now several countries have taken many measures in their countries to prevent this sort of warfare in their countries. There is no such Act in India. The only Ac is this Act which has come today for amendment. The enactment is in front of us which has now created for funds. My request is that we must evolve cerain Act to create that kind of infrastructure, that kind of mechanism, which wil protect our country from any insidious method or attacking this country through indirect method, That is through plants, pesticides. The enactment of this Act is overdue and it should be done immediately.

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): Mr. Chairman, Sir, I would like to submit that regarding this law the Calcutta High Court has given verdict to not to charge any fees. Despite all this Government has not taken any action in this regard. Then, the Bombay High Court also gave the ruling to not to recover any fees and it also directed to refund the fees which had already been collected. Why the Government could not take any measure despite the verdict given by two courts against this law It appears that the Government lawyers failed to plead the case properly and thus the Government was defeated in both the courts. Now the Government lawyers failed to plead the case properly and thus the Government was defeated in both the courts. Now the Government have proposed an amendment to it and wants to get it passed in the name of farmers I regret it. Government while giving arguments in suppor t of charging fees says that it has been charging fees for the facilities it provides and to maintain the Vanaspati organisations. Government says that it has moved the amendment for the services it provides. I would like to know as to which services does the Government provide? Had the Government provided any services, the two courts would not have given their credict against it, and inspite of all this the Government proposes to impose tax on the cultivators. The hon. Minister may kindly let us know who were the lawyers because of whom Government lost the cases and has now moved he amendment to waste the time of the House.

My submission is that it has been stated that with the import of seeds their medicine will also have to be imported. The world knows that when the Britishers came here they carried a number of diseases with them. I have read Ayurveda, the three famous medical books in Ayurveda are; charak, shushrut and vagbhatt. In these books there is no reference to the so called 'Firang updansh sujan' disease. This disease was reffered to seventeen hundred years ago by Madhav Nidan Acharya; the medicine to cure the disease was also brought from outside to this country. There is a wood named 'chop chini' which has been proved the most effective medicine to cure this ailment and that does not grow in our country even now-a-days. It is imported from outside. Same is the case in regard to the seeds proposed to be imported If we import seeds we will have to import its medicines also.

In India it has been proved that allopathy is not at all suitable to the people of this country. Whole of the country has been suffering due to the side effects of antibiotics. So far as medicinal aspect of allopathic system is concerned, it has failed completely but I would not say so in regard to surgical aspect. No medicine is available to cure the side effects caused by reactions of anti biotics.

From where AIDS came to our country. This disease came from other countries. We do not have any medicine for cancer also because we did not have any such disease in our country. Our Acharyas have written at a place that there is a strange disease which could not be diagonosed easily. Tuberculosis was not there in our country. The Government should take it as granted that if they would import new seeds they will certainly have to import medicines. Now the medicines comprises of two types of patents process patent and the product patent. If product patent is imported, the manufacturers would sell the product on arbitrary prices If we have process patent we can manufacture the medicine in our own country Suppose if product patent is imported, it would lead our country to bankruptcy

I am surprised that our cultivators do not know about any medicine In my constituency Kota one of the pulses produced there is Masoor Today, no medicine is available to treat the disease of this crop About 25 years ago the cultivators in my constituency prepared a medicine by mixing sulphur in it which could totally cure the disease of masoor' crop But that is not possible today Therefore, hon Minister, I would like to know whether there is any medicine to cure the diseases of this crop or not The cultivators of my constituency were aware of that the medicines that 'yasya deshasya yojantu taagyamtashyoshadham hitam which means that the mediciengrow in a particular country are effective in that country alone because of the climate of that coutry All these medicines will be imported from abroad (*Interruptions*)

I would like to submit that research work has been carried out throughout the world, but no country has been able to produce basmati rice, it is produced only in my country India is a land of fregrances, it is full of greenry That is why basmati rice grows here only and nowhere else in the word Similarly the Pusa Institute has made a considerable contribution in the discovery of new techniques and new varities of seeds and even foreigners follow these techniques and guide lines and take seeds from this institute to their countries By virtue of this research our country has become very prosperous in the matter of food grains Therefore, the capability of the scientists who deserve the credit for all this should not be under assessed seeds should not be imported from abroad otherwise' Jaisa Khaoge aan, vaisa banega man", it means that as you eat, so will be your mind Therefore, all these foreign things should not be imported

Lastly, I would like to make one more submission in regard to other countries You can go to the other countries and see for yourself I am referring to only those things which I hear from here and there There are two types of vegetable shops in foreign countries One type is that which sell vegetable grown by using chemical fertilisers and the second type is that which sell vegetable grown in a natural way The price of vegetables grown by using natural fertilisers is 6 times more than those grown by using chemical fertilisers Still people like vegetables grown by using natural fertilisers because foodgrains grown by way of using natural fertilisers are always good for the health of all That is why the foodgrains exported from India are liked very much

Why langra variety of mangoes is not available in our country just because it is exported Good quality banana is nor available here, just because it is like in foreign countries But now the now Narasimharao Government would understand it? Would it be a justice to the citizens of our cuntry to import foodgrains and technology from out side the country

Mr Chairman, Sir, through you I would like to submit only this much that this Bill should not be passed Right now I have said very little about it, but when this Bill would be further discussed, with regard to the seeds and pesticides the Government proposes to import, I intend to oppose it tooth and nail It is my request that the House should outright reject this proposal to impose new type of fees

With these words, I conclude

[*English*]

SHRI A ASOKARAJ (Perambalur) On behalf of my Party, AIADMK I would like to say a few words on the Destructive Insects and Pests (Amendment and Validation) Bill 1992

Sir, the Destructive Insects and Pests Act was first enacted in 1914 in order to prevent the import and transport of any in-

[Sh. A. Asokaraj]

sect, fungus or other pests which may be destructive to crops. This Act has empowered the Central Government to prohibit or regulate the import or any article or class of articles likely to cause infection to any crop. In the year 1989, a notification was issued with regard to matters relating to inspection, fumigation, disinfection and supervision of some articles such as plants, fruits and seeds which were imported to India. An ordinance was again enacted in 1992 because it was felt that the earlier notification issued was not practicable.

The Calcutta High Court did not empower the Government to levey any fees for inspection, fumigation, etc. At the same time, the Bombay High Court in a case struck down the imposition of fees and directed the refund of money.

Under the new Seed Policy of the Government, the import of plants were brought under Open General Licence resulting in heavy import. Hence, the Government has now come with a new Bill. As per Government, the fees is levied and collected for the services rendered and for meeting expenditure on maintaining Plant Quarantine organisations.

Some three decades ago under PL 480 India was importing wheat. Along with this imported wheat some weeds, which got mixed into it, were also brought into our country. These weeds which adapt themselves to all sort of climates grew in our fields causing Asthma to lot of people living nearby the fields. I request that such things should be borne in mind while importing the seeds or plants. Government is spending a huge amount to control the growth of this weed. Hence I appeal to the Government to see to it that no adultration takes place while importing pesticides and insecticides. There is no point in enacting this law if it is not properly implemented.

We are enacting laws here in the Parliament but whether all these enactments are properly implemented or not is the important thing.

In the villages we see that when somebody wants to commit suicide he takes these medicines which are intended to cure the various plant diseases. I would say that when seeds are imported, Government should take stringent measures to see that seeds are tested vigorously.

According to the Government the fees is levied and collected for the services rendered and for meeting expenditure on maintaining Plant Quarantine organisations. I would like to know from the Government whether these organisations are run by Government or by private departments. If they are run by the private department, what measures the Government is taking to see that they are functioning properly or not. I would like to request the hon Minister to see to it that when we enact the law all these measures intended for the welfare of the poor section of the country are included in it.

All these pesticides and insecticides are sold at the shops in the villages.

17.00 hrs.

They are selling outdatedd medicines. So, automatically, they become more dangerous. They become poison.

Therefore, stringent measures should be taken in this regard. I welcome this Bill.

SHRI SUDHIR GIRI (Contai): Sir, the Destructive Insects and Pests (Amendment and Validation) Bill, 1992 is a painful history of the belated birth of a child when the risk factor is proportionately high. I say so because the Government could not make provisions for levying and collecting fees before the High Court pronounced that the action of the Government is illegal.

Sir, the Bill seeks to empower the Central Government to levy fees and collect them from the persons who would import insects, fungus or other pests or other class of articles which are detrimental to the crops in our country This is the object of the Bill The fees so far collected by the Government have been pronounced by the High Court as illegal So, the Government seeks to validate these fee collections and I object to this

In our Fundamental Rights, a person convicted of one charge cannot be made subject to other penalties by a law made thereafter Similarly, the High Court has ordered that the fees collected were illegal and so they should be refunded Why did not the Government come forward to make a legislation in this regard before hand? This penalty should be given by the Government

Secondly, the incidence of fees would not be borne by the importers, it would be transferred to the buyers Ultimately, the incidence will fall upon the small farmers and marginal farmers The Government have withdrawn subsidies on fertilizers The cost of the agricultural production has gone up For this purpose, the people of India have been suffering Again these incidence of fees will be transferred to the small farmers and the cost of agricultural production will be increased further

Sir, thirdly, heavy imports are being contemplated in our vast country where enough fruits and plants are grown In spite of that, fruits are being imported Who are these men who are consuming these fruits that are imported from outside? Sir, I will object to this The Government should take steps so that the fruits are not imported It is because our agriculturists Our farmers are competent enough to grow enough fruits for the country But still, the Government is giving licence for importing fruits

Sir, I want to make another suggestion Because heavy imports are being resored to under this Act Crop importers are reaping the fruits

So, I should caution the Government to take steps so that the very purpose of importing these items is not detrimental to the interest of our nation The corrupt importers should also be punished because they are not looking into the interest of other people of our countrymen, they are looking into the interest of other people of other countries So, the corrupt importers should also be brought to book and punished

[*Translation*]

SHRI KAMLA MISHRA MADHUKAR (Motihari) Mr Chairman, Sir, in my opinion, the Bill introduced by the hon Minister is a slap on the face of our agricultural scientists, farmers and industrialists related with agriculture, who have made tremendous strides in this field Shri George Fernandes has already explained in detail the disastrous consequences of this legislation The Government is signing agreements with other countries for the import of those seeds of fruits and vegetables which have been successfully developed by Scientists at the I C A R These imports will definitely undermine the self-reliance we have attained in the field The multinationals are sure to cash in on the Government imports and the entire burden will fall on the shoulders of our farmers Consequently, all endeavours being made to develop seeds and plant saplings in its own way which are suited to our climatic conditions will come to a standstill It is with great difficulty that our scientists have achieved success in this field The Government has decided to import all other seeds, except human seeds(Sperm and ovum) At the moment, the Government has not placed orders for it, with foreign countries (*Interruptions*) It has placed orders for the import of animal sperm It is possible that in future, the Government may import human sperm as well This is a very dangerous trend The Government is dealing a blow to the sovereignty, self-respect and self reliance of the country From outside, it looks like an innocent harmless Bill, but its fall out would be dangerous Members belonging to the Treasury benches as well as the opposition ranks have expressed the unanimous opinion that this is not a positive trend There is no market for the pesticides coming out of manufacturing units in Europe and the U S A and the multi national companies have chosen India

[Sh. Kamla Mishra Madhukar]

to dispose off their unsold stock. They want to sell it to this country.

You have mentioned it yourself that thousands of people are dying and falling victims to diseases due to applications of these pesticides. It will have ill-effects on the health of the common man. We consume a lot of D.D.T. which is sprayed on the food crops and there is no way to prevent them. In an open market, profit is the motivating factor. There is no place for the interest of common man in it. How much fungus-infected seeds the multi-national are going to sell to us, remains to be seen, because it has been observed that the industrialist manufacture goods keeping in mind the profit he would derive from it and not the interest of the masses. Once profit becomes the main objective, it would have adverse impact on our agricultural policy and our policy of self-reliance. Therefore, I would like to say that we should adopt a policy that would protect our interests. I do not say that we shouldn't import seeds. Rather, in this modern age there cannot be two opinions on this issue that we should import high quality seeds of wheat, grams, pulses, oilseeds etc. We should adopt them to Indian conditions and Increase production but at the same time, we should ensure that we don't import all kinds of pesticides, seeds of fruits and flowers, fertilizers etc., I would like to caution you that we should enforce law to check this tendency. Does the Government propose to take any steps to conduct experiments on these imported seeds and pesticides? These seeds would have varying impact on the soils of Kerala, Punjab, Bihar etc. Has the Government ever though of the impact of the imported seeds? It could be ensured from this that only those seeds are imported which are necessary and also that the morale of our agricultural scientists and agriculturists is kept high. On what basis do you boast of self reliance? The Government is importing wheat and the Parliament has already discussed the price at which it is being bought and the price at which it is being sold to the people of this country. Have you ever estimated the price per tonne at which wheat is being exported and the price at which it is being imported? As a result of import of seeds, pesticides and fertilisers, the cost of production would increase. It may benefit the big farmers but the small farmers, who form 70 percent of the population and who possess 42 per cent of the agricultural land, will be ruined. Has the Government ever thought of it? Will it foresake the interests of the small farmers to enable the multi- national companies to reap benefit? It will not serve any purpose.

Mr. Chairman, Sir, I would also like to say that the Government's policy in this regard would be totally ineffective. I oppose the move of allowing unrestrained import of seeds of fruits and flowers and fertilizers since this is saying good bye to self-reliance. I urge the Government to reconsider its decision to import fertilizers and seeds of fruits and flowers. It should reconsider this matter keeping in mind the honour of the nation, its talent and the frontiers our scientists could cross in the field of agriculture. Although the Bill looks harmless from outside, it is not that innocent. The growing influence of the World Bank or the International Monetary Fund is evident on our agricultural and industrial policy. One doesn't know where they intend to take the country to by dancing to the true of the I.M.F. and the World Bank. You may aware that the I.M.F. and the World Bank has lent a helping hand to undermine the country's sovereignty and self-respect. Therefore, I request you tio reconsider this Bill and plug the loopholes so that it may benefit the country's farmers and agricultural scientists and also fulfil its desired objective.

With these words, I conclude.

[*English*]

SHRI BIJOY KRISHNA HANDIQUE (Jorhat): Mr. Chairman, Sir,I rise to support the Destructive Insects and Rests (Amendment and Validation) Bill.

Sir, the Bill is limited in scope. But its purpose is significant It is purpose is to prevent entering of plant disease into the country while importing seeds There is nothing wrong in importing seeds provided we take adequate measures And that is the raison d'etre of this Bill To avoid the situation where the pesticide needs to be used we have to take these adequate measures as stated in the Bill

It is not only diseases transfer from a developed country to a developing country but also diseases transfer from a developed country to another developed country I want to give an instance to realise how eatastrophic the entering of the disease The latest record shows as to how dutch elm disease entered in the U S A from Europe in 1930 in Elm birl legs imported for the veneer industry It is a fungus disease The organism invades the water conducting vessels of the tree spread by spores carried in the flow of sap by poisonous secretions as well as by mechanical clogging causes the branches to wilt and the tree to die The disease is spread from diseased to healthy trees by elm birk beetles Efforts to control fungus disease of Elms have been largely directed towards control of the carrier insect So, Sir this is why the inspection of fumigation disinfection and strict supervision of anything connected with plant life that is imported into the country as stated in the Bill are essential

But, Sir, the method does not and here Let us look at this phenomenon from the ecological point of view

Coming back to the story of the disease Elms, remedical action was simply devastating Massive spraying was restored to for quick results And the aftermath of this massive spraying was dreadful a holocanst in bird life and a gradual degradation of life of all species including human This is the burden of Rachel Carson s book Silent Spring', the inspiration of the ecological movement of India warning mankind against its own creation, the Elixirs Death

Sir, from agricultural as well as from ecological point of view the Government must concentrate on prevention of inflow of insects which first affect our plant life and then as a cure of that begins as ecological tragedy, unpinning a process by which man has been progressively ruining and destroying his own habitat

Sir, many hon Members have spoken about the indiscriminate use of insects and pesticides As an instance a recent tragedy took place in Basti District of Uttar Pradesh where over 1500 people died by consuming wheat contaminated pesticides and this particular phenomenon raises some legitmate questions The pesticides no doubt have become an important tool in today s agriculture as a plant protection for bossting production

The demand for pesticides is increasing after the introduction of high yielding varieties of seeds But as has been pointed out by some hon Members, the indiscriminate use of pesticides has worked havoc As a result now it has been found that an average Indian s daily diet contains about 0 27 mg of DDT and the level of accumulated DDT in the body tissue of an average Indian is the highest in the world varying from 12 8 pm to 31 0 pm One of the hon Members has referred to that

The food samples from Bombay and Calcutta have been analysed and residue of DDT BHC, Malathion Lindane and other chemical substances were found in them Even ground water sources have been contaminated because of seepage in the soil Just at the threshold, the Yamuna water in Delhi contains high DDT residue As has been pointed out by some of the hon Members the answer to this situation is to evolve some plant based insecticides

One of the hon Members has referred to neem [illegible] It is not a new process Neem has already been used in USA for quite some time The answer to the situation is that the Ministry of Agriculture must try to find our some plant based pesticides and insecticides so that we can tackle this problem of disease to the crops

[Sh Bijoy Krishna Handique]

With these words, I do hope that the Government will explore the possibility of finding some plant-based pesticides I would like to assure the hon Members who are very apprehensive about these pesticides and insecticides that we can tackle the problem by minimising the use of pesticides and chemicals If we are alert and cautious, we can tackle any situation arising out of that Thank you, Sir

MR CHAIRMAN I would now request the three gentlemen who have given their amendments Shri Mohan Singh, Shri Shahabuddin and Shir Rawat to please take five minutes each because we have to finish this Bill Now, Shri Mohan Singh

[*Translation*]

SHRI MOHAN SINGH (Deoria) Mr Chairman, Sir, this Bill is short and its objective seems to be very limited The Government had imposed some fee on pesticide imports but it was cancelled soon after the aggrieved parties approached the High Court Therefore, the Government had to issue an Ordinance as per the law to incorporate a paragraph in the original Act There was no hurry for it as the Parliament Session was about to commence I would like to give only two suggestions in this regard

If there is any scope for an amendment to this law, and the scope must be there, the Government should constitute a Parliamentary Committee in this regard because under the changed circumstances, it is very much essential to enact a law capable enough to deal with the new situation and to replace the original law passed during the British rule in 1914 Only a Parliamentary Committee is competent to go into it because the Government including the bureacracy will continue to come with such measures including minor legislations and Amendments and which in turn would continue to be dismissed by the hon'ble High Court

Today, our problem is that we are constantly moving towards dependence on others Gandhiji has taught us that we should make this country self-reliant and through our own efforts mould things with the changing conditions to suit our requirements so that we may face challenges before the nation We now bring seeds from outside The diseases of crops also comes with them Medicines are brought to remove those diseases and subsequently efforts are made to find new remedies This makes the situation all the more serious

The agricultural sector, orchards and particularly live stock and the prospects of it's development in all the countries of the world are directly affected by atmospheric conditions For instance in our country itself the sugarcane in Coimbatore is not reaped in the samo manner as it is done in Utter Pradesh The seeds developed in sone institute at Sivrahi in Uttar Pradesh cannot be used in Sugar research Centre at Shahjahanpur As regards seeds the situ ation and atmosphere impacts are varied Same is the case with orchards Can the oranges grown in the orchards of Nagpur be grown in the Terai region of Nanital in the same manner? If anybody thinks that it is possible, I consider it to be totally wrong Is it possible to grow the Deshari Mangoes of Lucknow is Maharashtra having the same taste and by following the same pattern of growing mangoes If one believes that it is possible he is wrong Different areas have different atmoshperic conditions in our coun try and as such they have different impact on the orchards The development and the extension of the seeds done accordingly and it is an evident in itself

Can the buffaloes of Pakistan and India or the buffaloes of Haryana produce the same quantity of milk and survive if they are taken to the colder regions or western Europe If anyone thinks so, it is all incorrect As such the orchards, live stock and seeds are directly related to the nature, system and atospheric conditions of our country The Scientists of our country have done an outstanding and excellent job in the field of their development and extension in the last forty years

I understand that the Government of our country by it's policy on seed import will undo the research work done by our scientists in the last forty years I request the hon Minister that instead of moving petty Bills in this regard the Government should constitute a Parliamentary Committee which will formulate a law regarding the areas in which the seeds and insecticides can be imported and bring it before this august House

With these submissions, I press for the amendment moved by me

SHRI SYED SHAHABUDDIN (Kishanganj): Mr Chairman, Sir, we must all be grateful to the hon Member Shri George Fernandes and another friend who have brought out and disclosed many implicit layers in teh Bill and many hidden dimensions of the Bill I hope that the hon Minister, in his response, shall try to allay the apprehensions that have been expressed on the floor of the House about reliance on foreign seeds and indiscriminate use of pesticides and the resulting possibility of environmental polluiton, ecological and genetic degradation

Everyone of us knows that this Bill is primarily a procedural Bill

I would , therefore, not like to prolong the tempest that has arisen in this House I would have liked that the hon Minister had drafted the objects and purposes of the Bill more accurately – just the date would have sufficed in order to tell us what the new seed policy was The point that I want to make is that we have not been given the dates of the High Court orders and the reason why the Government had to promulgate an ordinance in January, 1992 I want to know what was the urgency for it What was the time lag between the orders of the two High Courts and the promulgation of the ordinance? I want to know the necessity for such an ordinance when Parliament was going to sit for the Budget session within for weeks of that ordinance I think that point needs to be cleared because I believe, Mr Chairman, that Government are getting into the habit of issuing Ordinances for no reason whatsoever and not waiting for the House to re–assemble

Sir, there is need for a plant quarantine and plant protection system We also feel that such a system ought to be, as far as possible, self–financing But we have not been told about the tariff or the schedule of rates or about the money that was involved which this Government faced with difficulties in a situation of self–created crisis could not possibly accept and absorb Therefore, we need to be told about the tariff or schedule of rates and the monetary burden that was involved and which led the Government to promulgation of this Bill

Sir, I finally come to this question I see a clear contradiction in the Bill Here we are under the so–called new seeds policy promulgated in 1988 We have placed the import of seeds on OGL, that is to say, we have done away with the licensing system Fine The Government must have its reasons But then why impose a fee for making an application to import the seeds? Will the hon Minister then elucidate this basic contradiction? I find that on the one hand you place the seeds which you consider to be so valuable and so essential for the agricultural economy of this country, and at the same time you even charge a fee form a citizen to place an application before ,you I do no understand this Therefore, I would like to have a clarification from the hon Minister

Finally, Mr Chairman, I think he will concede this point that retrospectivity is a constitutional vice I am not saying it is totally illegal I am not questioning its constitutionality or legality But I would have felt that normally retrospectivity ought to be gone into only when it becomes absolutely essential in order to deflate a constitutional crisis Here no such situation is involved, and therefore, I would once again like to know from the hon Minister as to why he is trying to say that he will recover all possible dues that have

[Sh Syed Shahabuddin]

arisen which had been barred from collection by the honourable court

SHRI A CHARLES Because it is a normal situation (*Interruptions*)

SHRI SYED SHAHABUDDIN The High Court has only pointed out, Mr Chairman that the statute did not provide for the levy of this fee That is all Therefore, why go back? You can't levy fee now And, therefore Sir, I have submitted this simple amendment, but I would once again like to plead with the hon Minister that the larger apprehensions that have been expressed on the floor of the House the Government must take heed must take notice and must try to allay our fears by clearly telling us that the Government shall be very very selective in the import of seeds and pesticides that are going to affect our life and the life pattern of this sub–continent Thank you very much

[*Translation*]

PROF RASA SINGH RAWAT (Ajmer) Regarding India it is said that India is a cradle of nature, and such is the benevolence of the almighty that on one side is the mountanious region of Himalayas the rivers Ganga and Yamuna and the Thar desert, and on the other side is the southern plateau and the coast These are all beautiful creations of nature The seeds, vegetation and creatures exist in our country according to the climate of our country You are thinking of sowing seeds brought from foreign countries in India Is it a wise decision? I want to quote an instance

Eucalyptus tree are covering the length and breadth of the country like a spider s web They appear green and healthy but either their leaves are consumed by animals nor do they have the power to maintain the fertility of the land In fact, they contribute in destroying the fertility of land for ever The seeds of eucalyptus were brought from outside and sown in our country Undoubtedly it is useful in manufacturing paper but the magnitude of loss on account of this tree is far more I want to bring this aspect to your notice

There is a place called *Pushkar* near Ajmer There were big guave orchards there but all the orchards withered on account of the dangerous medicines used there I request the hon Agriculture Minister to send officers of his department to investigate into this matter as to how all these orchards withered When the farmers complained about it and the Agricultural units submitted their reports in this regard experts from Delhi were sent They visited those places and reported that the diseases could be detected All the guava orchards withered and the land is gradually turning barren Wherever guava trees were grown farmers had to face huge loss All this happened due to green revolution under which insecticides and many other things from foreign countries were brought and used in the soil of India to grow crops and fruits These things were not favourable to the soil of our country but were used under compulsion For some time the outcome of all this was very favourable but finally it proved lethal Mr Chairman Sir through you I want to tell the Government that the ordinance issued by the President in haste is not proper The Parliament Session was about to begin and an ordinance ignoring Parliament was issued and enforced Subsequently this Bill has been brought to replace the ordinance

I would also like to point out that the Calcutta High Court and Bombay High Court have given decisions against it One of them have also given decision to this effect that it is not proper to charge fees and other has given this decision that the fees charged should be returned It appears that the hon Judges have found something fishy in it and with the idea of removing the existing lacuna in the old laws, the Government is making all these excuses Now I would like to present certain facts regarding insecticides After the implementation of green revolution in agricultural sector, the use of insecticides is steadily increasing There are around 50 organized insecticide producing units and one thousand small insecticide producing units in the country During 1988–89, approximately Rs 650 crores were spent for producing 60 thousand tonnes of insecticides The main insecticides are B H L, D D T, Methyle Paratin, copper oxy–chloride, isoproton and zinc phosphide These are produced in our country but if you encourage their import and give full relaxation in importing these insecticides and seeds then it would have an adverse impact on indigenous units Illiterate people do not have any knowledge of it Women who have been the victims of atrocities have committed suicide by consuming these insecticides What I mean to say is that we should adopt this according to our climatic conditions which will help maintain our environment and protect our things and the health of our people Otherwise, we should keep distance from the things which have an adverse impact on our environment and health

With these words I conclude

[English]

SHRIMATI BASAVA RAJESWARI (Bellary) Mr Chairman Sir at the outset, I support the Bill The whole object of the Bill is to defend the New Seed Policy Its subject is to produce more and also to see that sufficient food is grown in the country for the growing population The land is not going to expand, but the population is growing too much and whether we are going to be self–sufficient to that extent is the question

Sir, we should always think about the future What are we going to do how much are we going to produce and what will be our requirement for the future generations? In the meantime, by importing the seeds we should be able to produce more and that too, with a value added product We should also see that the farmer gets a remunerative price by adopting new technology and new pesticides and also we should see that he is able to control the products which he has grown Keeping this in view, we should try to adopt new technology and usage There is nothing wrong in importing the seeds We can see what happened in the olden days Hon Members have spoken about this I have been hearing them patiently Do you want to say that the whole country should become stagnant? No We should try to adapt our selves with the new circumstances and conditions

Have we not brought from Russia the oil seeds and sun–flower?

Have we not brought the high–yielding variety of cotton seeds from abroad?

Do you know how much our scientists have struggled to borrow those seeds from abroad?

There is a story There is a seed for high–yielding cotton in Karnataka They could bring in only five seeds with great difficulty and they went on multiplying and multiplying We are proud to say that today we are exporting the high–yielding variety of cotton

In those days, as a child I used to hear Manchester cotton which only a few people were using Now some cotton is produced in our country One acre of cotton which we are producing today is equal to 15 to 20 quintals we used to get in pounds We brought these seeds from abroad We should get them We should not ban such things

What about sericulture? We are importing silk from China and Japan Our land is quite suitable Not only that Small farmers are benefited by taking up sericulture It not only gives value added product, and remunerative price to the farmers It employs more and more people We have to adopt new technology

Is it not necessary that we should borrow biolin seeds from China and Japan? Is it wrong on our part to import seeds? I do not think there is anything wrong

Yesterday we have been very much speaking about the import of wheat Why should we import? The land is quite suitable Our farmers are ready to grow anything

[Shrimati Basava Rajeswari]

We have to take in bioltin which gives employment What about the farmer? On the one side, the farmer is asking for remunerative price On the other side, the consumer wants a lower rate To adopt this dual policy we have to grow more We have to produce more When the product is more, the prices will definitely come down The farmers should get remunerative price by adopting new technology For that, a new seed policy has been given by the Government Therefore I hope that the hon Members who have opposed this Bill will definitely agree with me

There are seri–culture, horti–culture agriculture fishiculture and flora culture In all these cultures there are new techniques and methods

Is it not necessary that we should import seeds and we should raise nursery in a scientific way which is free of pesticides and the duration of which is very much less and which can easily take three crops in a year?

Is it not necessary that we should bring that machinery into our country? It is necessary that we should bring such methods to our country

The Government would have said more specifically what kind of seeds they would like to import because already a number of farmers have taken to seed multiplication as far as maize cotton and cereals like jowar bajra and other crops are concerned If you find that they are insufficient then only you can import

Apart from what we are having, if there are new seeds which give more production and which are of good quality and if they are of less duration and pest free, then you can import them

You know that in America, seed multiplication is a very costly affair whereas in India it is very much cheap They are getting seeds from America The farmers have taken up the seed multiplication scheme Again, we are exporting the same seeds to such countries wherein we are earning a lot of foreign exchange Could we not adopt the same thing here also? We can get the good seeds from there along with the technology and everything We should see to it that our farmers are being given sufficient training in respect of multiplication of seeds Our farmers are ready to adopt any new method They are ready to take up any challenges in this country Therefore, such things should be taken up as a challenge because our farmers will be in a position to import such things This is my suggestion

Finally, I have to give two more suggestions There should be judicious use of spraying of pesticides and insecticides regularly There should be a check on adulteration of pesticides insecticides and fertilizers There should be a continuous functioning of a Vigilance Committee to check all these things Unless that is done I think it is going to be worse for the farmers and the farmers would be put to great difficulties We should try to destroy the pesticides and insecticides where they have become already immune to the pests Many medicines have become immune Even if we spray 101 times there is no rescue at all Therefore such pesticides and insecticides should be destroyed immediately The pesticidies and insecticides which have already been outdated should also be taken into account and see that those pesticides and insecticides should be destroyed immediately without giving them to the farmers

Sir, I have already told you about the seed multiplication and how the farmers should be given training With these words, I conclude my speech

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI MULLAPPALLY RAMACHANDRAN) Sir, with rapt attention I was listening to the hon Members who have taken part in the Destructive Insects and Pests (Amendment and Validation) Bill, 1992 In fact, I express my gratitude for their valueble suggestions

But, at the same time, I would like to say that some of the hon Members have expressed concern and apprehension and also they keep some sort of misgivings in their minds regarding several things At the very outset, I would like to say that this new Destructive Insects & Pests (Amendment and Validation Bill), 1992 has nothing to do with the Dunkel proposal Also, I would like to make it very clear that the Government of India will not mortgage its economic rights to any foreign country with regard to import of seeds as such

Sir, before I reply to the specific and relevant questions posed by the hon Members once again I would like to outline the circumstances under which this Bill has been brought before this House

The Government of India, as I put it earlier, announced the New Seed Policy on 1 10 1988 Under this Policy the import of seeds and plant materials was brought under Open General Licence The New Policy on Seed Development is purely aimed at providing to the Indian farmers the best plant materials available in the world to increase productivity farm incomes and export earnings etc Simultaneously while importing seed and Plant materials, care has to be taken to ensure that there is absolutely no compromise on the requirements of Plant Quarantine procedures to prevent entry into the country of exoic pests, diseases and weeds, detrimental to the Indian Agriculture In order to prevent the introduction of exotic pests and diseases in the country due to such heavy import, Government had to strengthen the infrastructural facilities and services of the Plant Quarantine Organisations by way of procurement of highly sophisticated/costly equipments etc

The Central Government, in exercise of the powers conferred by sub-section (1) of Section 3 of the Destructive Insects and Pests Act, 1914 (2 of 1914) issued the Plants, Fruits and Seeds (Regulation of Import into India) Order, 1989 *vide* Notification dated 27th October, 1989 Under the said Order, levy of fees for issues of import permits and also charging inspection and fumigation fee etc , were provided The Order of the Government to levy inspection fees etc , under P F S. Order 1989 was challenged by the importers of timber log, pulses, jute etc , in various High Courts such as the Calcutta High Court and the Bombay High Court Hon High Courts at Calcutta and Bombay ruled that the destructive Insects and Pests Act, 1914 did not empower the Central Government or a State Government or any other authority to levy any such fee and the hon Courts held that the levy of fees for inspection, fumigation etc , cannot be sustained As such, imposition of fees by P F S Order of 1989 was declared *ultra vires* The High Courts also directed not to charge such fee in future and to refund all such fee, if collected, to all such petitioners who have filed writ petition of similar nature in different High Courts and the Supreme Court of India If the Government is not allowed to levy fees for rendering services – it is for rendering services – then all the expenditure on the maintenance and strengthening of the quarantine stations will have to be borne by the Government Therefore, it was felt necessary to incroproate suitable provisions in the Destructive Insects and Pests Act, 1914 (2 of 1914) for giving powers to the Central Government to levy fees for inspection etc for imported consignments and for validating collection of fees already made under PFS Order 1989

As the issue involved was of urgent nature and as the Parliament was not in session, it was felt necessary to suitably amend the Destructive Insects and Pests Act, 1914 (2 of 1914) through promulgation of an Ordinance Therefore, in exercise of the powers conferred by clause (i) of Article 123 of the Constitution, the President was pleased to promulgate the Ordinance namely, the Destructive Insects and Pests (Amendment and Validation) Ordinance 1992 on 25th January , 1992

While participating in the debate, hon Shri George Fernandes had expressed certain concern I fully share the sentiments expressed by hon Shri George Fernandes

[Sh. Mullappally Ramachandran]

While sharing his sentiments, I would like to inform the hon. Member – he has found fault with the Government's Policy of importing seeds to our country , he has also quoted from certain book whose authenticity I never want to question – that the Government's policy encourages export of seeds also. You will not be mistaken by the fact that the Government of India is not alone importing the seeds. On the one hand, we are importing and on the other hand, the Government of India is encouraging the export of seeds. For instance, we exported 30.75 lakh metric tonnes of seeds and 37.61 lakh metric tonnes of seeds since November, 1989.

Although the question of pesticides does not directly relate to the subject matter of discussion, yet I would like to enlighten the hon.Members that the Government has constituted an Export Committee to rationalise the use of pesticides. Nine peticides have already been banned for use in the country, 12 other pesticides have been notified for restricted use and 18 pesticides have been refused registration. Sir, about the new seed policy, we are nearly self–sufficient in the availability of pesticides. The annual consumption of pesticides was 75 million tonnes approximately. The imports are only 3,000 metric tonnes. We are also exporting pesticides. And that is the latest scenario.

An Integrated Pest Management Programme is under implementation to limit the use of pesticides. The programme consists of proper cultural practices, biological control, mechanical control and judicious use of pesticides. A very relevant point has been raised by the Hon. Member, Dr. Asim Bala, who had referred to the neem based pesticides

In this connection, I would like to say that neem based pesticides have been registerd for the manufacture for use in India and also for export purposes. We have also developed technologies for manufacture of a little more than fifty pesticides.

I am very proud to say that our scientists are excellent in the world and their achievements are spectacular. And there is no reason why our hon. Members are agitated over the import of the seeds.

As you know, our country is self–sufficient in food grains. But we have not achieved the targets in respect of certain other coarse cereals, oil–seeds, vegetables and in the horticulture field also. Since our technology has not been developed to such an extent, we have to import for the time being. And I am confident that our scientists will be able to produce our own high yielding variety seeds in our country. And we are going to set up a gene bank of our own in the coming few months. India, in the field of agricultural research, is far advancing and the achievements are of no less importance.

Coming to the question of the amendments moved by the hon. Members, I do not think that the hon. Members will be in a mood to move those amendments. (*Interruptions*)

MR. CHAIRMAN: They have already moved and they will not move now.

SHRI MULLAPALLY RAMACHANDRAN: I do not think that they will press for their amendments. With these new amendments to the Act, it is very clear that the intention of the Government is 101 per cent *bonafide*. I hope that this august House will support this Bill.

SHRI SYED SHAHABUDDIN: Can you give us the dates of the High Court Judgments?

MR. CHAIRMAN: Shri Shahabuddin, it is already there

SHRI MULLAPALLY RAMACHANDRAN: The Calcutta High Court up held it in June 1990; the Bombay High Court in July 1991.

MR. CHAIRMAN: Shri Girdhari Lal, are you withdrawing your statutory resolution?

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA Mr Chairman Sir I have moved the Resolution to repeal the Ordinance but the hon Minister has not given any reply to it (*Interruptions*)

MR CHAIRMAN You have already spoken on it

SHRI GIRDHARI LAL BHARGAVA It is not my fault if the hon Minister has not given any reply (*Interruptions*) The hon Minister has himself admitted that according to the Calcutta High Court's judgment the Government has no right to impose such a levy

18 00 hrs

The Bombay High Court has also said that in future such a levy should not be realised and the levy collected hitherto should also be refunded I think it is a big lacuna in the law that is why the High Court has given such a judgment But inspite of that I think it is not proper if the Government goes ahead and issues such an Ordinance

[*English*]

SHRI MULLAPPALLY RAMACHANDRAN Since there were certain lacunae in all that, we have brought forward this amendment

PROF PREM DHUMAL (Hamirpur) Sir, it is alredy 6 o'clock You may take it up tomorrow

MR CHAIRMAN Is it the pleasure of the House that we extend the sitting of this House till the Bill under consideration is passed?

SEVERAL HON MEMBERS Yes, Sir

MR CHAIRMAN So we shall sit another ten or fifteen minutes and complete this business Shri Girdhari Lal Bhargava may please continue and be brief in his submission

(*Interruptions*)

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA I would like to submit that there was no need of promulgating such an Ordinance A bill should have been brought forward in this regard The hon Members have expressed their views whether it would be dangerous for the country or not About the new policy, it has been said that it would be enforced with retrospective effect You don't want to refund the lease money so collected but at the same time you want to continue it in future

I would like to submit two more things We should not import such fertilisers and seeds which have already been banned by the country from which these are being imported because in this way they will earn profit but these will be harmful for us

The second thing is to check the losses being incurred by the units producing fertilisers and seeds in India Proper equipments should be used to sprinkle fertilisers and sow seeds to avoid wastage There should be some arrangement for imparting training in this respect Proper equipment should be used properly, If insecticide factories are running in India, they should be banned. We should be careful about the imported goods and secondly N O C should be issued only after going through it carefully Because India is an agricultural country It is full of greenery. As you are aware, there is also a green strip in our National Flag which is the symbol of India being an agricultural country It would be contradictory if we import wheat, fertilisers and such other items Obtaining of 'No Objection Certificate' should be made compulsory for imported goods I would be glad if the hon Minister accepts my constructive suggestion relating to the factories of our country and I would have no problem in withdrawing my resolution, since the spirit behind the bill is good I would be happy to hear this thing from the hon Minister It is my humble submission.

[English]

SHRI MULLAPPALLY RAMACHANDRAN: I had taken note of the suggestions made by the hon. Member.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Sir, I seek leave of the House to withdraw my statutory resolution.

[English]

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his Resolution?

SOME HON. MEMBERS: Yes, yes.

Statutory Resolution was, by leave, withdrawn

MR. CHAIRMAN: The House shall now take up the amendments to motion for consideration.

Shri Dau Dayal Joshi.

[Translation]

SHRI DAU DAYAL JOSHI: Sir, I seek leave of the House to withdraw my amendment.

[English]

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendment.

SOME HON. MEMBERS: Yes, yes.

Amendment No. 1 was, by leave, withdrawn

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Sir, I seek leave of the House to withdraw my amendment.

[English]

MR. CHAIRMAN: Has the hon. Member leave of the House to to withdraw his amendment?

SOM HON. MEMBERS: Yes, yes.

Amendment No. 2 was, by leave, withdrawn

[Translation]

PROF. RASA SINGH RAWAT (Ajmer). Sir, I seek leave of the House to withdraw my amendment?

[English]

CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendment.

SOME HON MEMBERS: Yes, yes.

Amendment No. 4 was, by leave, withdrawn

MR. CHAIRMAN: The question is:

> "That the Bill further to amend the Destructive Insects and Pests Act, 1914, be taken into consideration".

The motion was adopted

MR. CHAIRMAN: The House shall now take up Clause-by-Clause consideration of the Bill.

Clause 2 –Amendment of Section 3 of Act 2 of 1914

SHRI SYED SHAHBUDDIN (Kishanganj): I beg to move:

> Page 1,–
>
> lines 12 and 13 *omit*
>
> "for making an application for a permit to import, or"

Sir, the point that I had raised had not been tounched by the hon Minister I had asked as to why there is a controversy between Open General Licence, police and tho fixing a fee even for making a request

MR CHAIRMAN Are you pressing your amendment?

SHRI SYED SHAHABUDDIN If the hon Minister gives a satisfactory reply, I will with draw it

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI MULLAPALLY RAMACHANDRAN) It is not a tax at all It is just for the maintenance purposes (*Interruptions*) Nothing more than that It is no tax at all

SHRI SYED SHAHABUDDIN I seek leave of the House to withdraw my amendment

MR CHAIRMAN Has tho hon Member leave of the House to withdraw his amend ment?

SOME HON MEMBERS Yes, yes

Amendment No 6 was, by leave, withdrawn

MR CHAIRMAN The question is

That clause 2 stand part of the Bill

The motion was adopted

Clause *2 was added to the Bill*

Clause 3 – Validation

SHRI SYED SHAHABUDDIN Sir, I beg to move

Page 2, line 6,–

Omit – 'for making an application for a permit to import, or (7)

MR CHAIRMAN Are you pressing your amendment?

SHRI SYED SHAHABUDDIN No seek leave of the House to withdraw amendment

MR CHAIRMAN Has the hon Memb leave of the House to withdraw his amen ment

SOME HON MEMBERS Yes, yes

Amendment No 7 was by leave wit' draw

MR CHAIRMAN The question is

'That clause 3 stand part of the Bill

The motion was adopted

Clause 3 was added to the Bill

MR CHAIRMAN There is no amendment to Clause 4 The Question

That Clause 4 Stand Part of the Bill"

The motion was adopted

Clause 4 was added to the Bill

MR CHAIRMAN The Question is

That Clause 1, the Enacting formula and the Long Title Stand Part to the Bill'

The motion was adopted

Clause 1 the Enacting Formula and the long Title were added to the Bill

SHRI MULLAPPALLY RAMACHANDRAN Sir I beg to move

That the Bill be passed

MR CHAIRMAN The question is

'That the Bill be passed

The motion was adopted

MR. CHAIRMAN: Now we take up the next item – Statutory Resolution and the Public Liability Insurance (Amendment) Bill, items 10 and 11 together

(*Interruptions*)

MR. CHAIRMAN: Shri Lokanath Choudhury, not present Shri Indrajit Gupta, not here.

(*Interruptions*)

MR. CHAIRMAN: Shrimati Geeta Mukherjee, not present

(*Interruptions*)

SHRI GEORGE FERNANDES (Muzzaffarpur): This is not fair. Let us take it tomorrow. (*Interruptions*)

SHRI SAIFUDDIN CHOUDHURY: Nobody is here. (*Interruptions*)

MR. CHAIRMAN: All right. The House stands adjourned to meet again tomorrow at 11 a m.

18.14 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 11, 1992/Phalguna 21, 1913 (Saka)

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